THE

Statutes at Large,

FROM

MAGNA CHARTA,

To the Twenty-fifth Year of the Reign of

KING *GEORGE* the THIRD, inclusive.

With a COPIOUS INDEX,

AND

An APPENDIX, consisting of OBSOLETE and CURIOUS ACTS, some of which were never before printed.

By OWEN RUFFHEAD, Esq.

A NEW EDITION, IN TEN VOLUMES,

REVISED, CORRECTED, AND CONTINUED,

By CHARLES RUNNINGTON, Esq. Barrister at Law.

LONDON:

Printed by CHARLES EYRE and ANDREW STRAHAN, Printers to the King's Most Excellent Majesty;

And by WILLIAM WOODFALL and ANDREW STRAHAN, Law Printers to the King's Most Excellent Majesty.

MDCCLXXXVI.

BRITISH MUSEUM

THE

Statutes at Large,

FROM

MAGNA CHARTA,

To the End of the Reign of

KING *HENRY* the SIXTH.

To which is prefixed,

A TABLE of the TITLES of all the Publick and Private Statutes during that Time.

VOLUME THE FIRST.

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BIBLIOTECA MEDICEA

MR. *RUFFHEAD'S*

PREFACE.

IN the rude State of human Government, while perſonal Strength and Courage were chiefly held in Eſteem, as Qualities moſt conducive to Honour and Security, Men yielded with Reluctance to the Obligation of Civil Inſtitutions, which were calculated to abridge and reſtrain their natural Rights and Prerogatives.

During this early Dawn of Legiſlation, the unpoliſhed Genius of the People is viſible, even in the Conſtruction of their Laws, which are, moſt of them, haſtily drawn up, without Order and without Preciſion.

The antient Statutes of this Kingdom afford abundant Examples of ſuch Irregularity and Inaccuracy; being, moſt of them, formed without any ſettled Precedent; and *ſeeming*, in particular Inſtances, rather to be Proviſions extorted by ſome predominant Influence, than Laws inſtituted by the concurring Aſſent of a regular Legiſlature.

Some Degree of Order, however, beamed forth under the Reign of *Edward* I. many Laws of that Time being penned with a Brevity and Perſpicuity, which might dō Honour to more enlightened Days. But ſtill the greater Part of the Statutes even of that Reign, and of thoſe immediately ſucceeding, are not only vague and unſettled in point of Form, but are ſometimes defective in Subſtance. In many, there are no Words expreſſing by what Authority they were promulgated; and in thoſe wherein the enacting Authority is declared, it is variouſly deſcribed. In ſome Inſtances, the Laws ſeem to iſſue from the King alone; ſeveral Acts running in the Form of Charters and Patents; in others, they ſeem to proceed from the King and Lords jointly, without the concurring Aſſent of the Commons.

It is obſervable likewiſe, that Offences are ſometimes looſely and ambiguouſly deſcribed; and, in many Statutes, no certain Penalty is inflicted on the Offender [a]; whereby the Courts of Juſtice were not only entruſted with a Latitude of

[a] Many of the penal Statutes only enact that the Offender ſhall be puniſhed at the *King's* Pleaſure; ſome, that he ſhall make grievous Ranſom to the King: Others are merely prohibitory, or admonitory.

Conſtruction

Conſtruction reſpecting the Offence, but with a dangerous diſcretionary Power of puniſhing the Delinquent; which afforded room for Partiality and Oppreſſion.

The Laws of thoſe Times were likewiſe extremely defective with regard to civil Proceedings, whereby, in many Inſtances, the Courts of Judicature were left open to Temptations, and expoſed to Menaces: And, even in the Decline of the feudal Policy, they were eaſily corrupted or overawed by the Influence of the Crown, or of ſome potent Baron [b].

The Inconveniencies ariſing from ſuch an imperfect Syſtem, wherein Power too often took place of Right, muſt, in thoſe Days, have been frequently and fatally experienced, more eſpecially by the Commoners, or inferior Orders, of the State. Their Experience of theſe Inconveniencies, taught them to prize the ſuperior Advantages of civil Inſtitutions; and as *they*, by Degrees, were enabled to aſſert their Independence, and to obtain that Share in the Adminiſtration of Government, to which they are by Nature intitled, we find that the Legiſlature applied their Attention to the framing of Laws with greater Preciſion and Uniformity, in order more effectually to aſcertain the Bounds of Juſtice, and compel lawleſs Force to ſubmit to the Civil Tribunal.

As Induſtry, however, could make but ſlow Advances againſt the overbearing Weight of lordly Power, the Commons were not, for a long Time, in a Condition to procure the expreſs Acknowledgment, much leſs to maintain the regular Exerciſe, of their undoubted Rights: And the frequent Struggles among the ſeveral Orders of the Conſtitution were, in Part perhaps, the Occaſion of the vague and unſettled Frame of our Statute Law, which, as different Intereſts predominated, underwent ſucceſſive Alterations, both in Form and Subſtance.

Theſe Inſtances of Diſorder and Irregularity, among other Circumſtances, have given riſe to various Objections againſt the Validity of ſeveral early Acts, printed in former Collections, and continued in this. Should theſe Objections ever prevail, many antient Statutes muſt be rejected as utterly invalid; and, to eſtabliſh their Authority, is perhaps one of the principal Ends to which an Editor ſhould direct his Attention. I ſhall therefore endeavour, in the firſt Place, to obviate theſe Objections; which will lead me briefly to explain the Method in which our antient Acts of Parliament were paſſed [c]. I ſhall then offer ſome Obſervations on our Statute Law in general: And laſtly, ſhall preſent the Reader with the Plan of the preſent Edition.

[b] See *Maddox*'s Hiſt. of *Exchequer*.

[c] It ſeems to be an indiſpenſable Duty of an Editor, to give ſome Account of the Forms in which our antient Acts were paſſed; ſince, without this previous Knowledge, many of them will be very imperfectly underſtood; ſuch as *Articuli Cleri*, and others, which do not bear the Form of Statutes. In order however to explain the antient Method of paſſing Bills, we muſt neceſſarily take ſome Notice concerning the reſpective Influence of the ſeveral Orders of the State at different Times: An Inquiry which has been greatly obſcured by the partial and intereſted Zeal of the Writers of the laſt Century, who, by attempting to prove too much, have, on both Sides, fallen equally ſhort of Conviction. The Editor therefore has been cautious of advancing any thing on this Subject, not warranted by the Evidence of the antient Records.

It

It is affirmed in ſeveral Books [d], that, if a Record mention only that the King enacts, and the Lords aſſent, without naming the Commons, that the Omiſſion cannot be ſupplied by any Intendment: And upon this Principle, the 8 *Hen.* VI. *c.* 29. hath, as Serjeant *Hawkins* obſerves, been queſtioned by *Dyer* [e], and its Authority denied in 1 Inſt. [f] and the 8th Report [g]. Were this Principle, however, which, as applied to the early Statutes, ſeems ill grounded, to be admitted for the preſent, yet its Force would not invalidate the Authority of the Act in queſtion.

It is obſervable, that, in the old Statutes, there was, for the moſt Part, a general Preface, or, as ſome call it, Prologue, to the ſeveral Articles or Chapters enacted in each Seſſion, which were entered *ſeriatim* on the Roll, without a ſingle Break, or even any intervening Punctuation: And they all had Reference to the Preface, which declared the enacting Authority. Thus the Act in queſtion, of the 8 *Hen.* VI. begins with the following Preface:

" To the Laud and Honour of Almighty God, *&c.* our moſt noble Chriſtian " Lord *Henry*, *&c.* by the Advice and Aſſent of the Prelates and great Men of his " Realm of *England*, and *at the ſpecial Requeſt and* ASSENT of the COMMONS " of the ſaid Realm being in the ſaid Parliament, *hath made certain* STATUTES, " *&c.* in the Form following."

Here we find that, in this Preface, the *Aſſent* of the Commons is *expreſsly* mentioned: And therefore the Omiſſion in the 29th Chapter is to be ſupplied by Reference, and there is no Need of any Intendment [h].

But admitting that their Aſſent could not be ſupplied by ſuch Reference, yet, if ſuch an Omiſſion ſhould be deemed ſufficient to invalidate a Statute, then the Authority of the greater Part of the early Acts may be denied: For the Aſſent of the Commons is frequently omitted, more eſpecially in the enacting Clauſes of the Statutes prior to the Reign of *Henry* VII. nay, ſometimes is not even inſerted in the Preface [i].

Lord *Coke* however takes a Diſtinction between a *general* and a *particular* penning of an Act of Parliament. Thus he allows an Act to be good which runs in theſe general Terms: " It is enacted by Authority of Parliament." Or, he likewiſe admits, that if it be indited " *quod Dominus Rex ſtatuit*," yet if it be

[d] 4 *Hen.* 7. 18. Pl. 11. 8 *Coke* 20, 21. *Moor* 824. Pl. 1112. *Co. Litt.* 159. b. *Hob.* 111.
[e] *Dyer*, 144. p. 60. [f] 1 Inſt. 159. b. [g] 8 *Co.* 20. b.

[h] What farther proves the Authority of the Act in queſtion, is its having been referred to, and in Part recited, as a Statute in force, by the Legiſlature itſelf; for in the 22 *H.* 8. *c.* 10. deſcribing certain Offences, it is thus expreſsly declared, " That in the Inqueſt that ſhall paſs between the King and any ſuch Party ſhall " be altogether of *Engliſhmen*," albeit that the Party ſo indicted pray *Medietatem Linguæ*, according to the STATUTE of *Anno* 8 *Henrici* 6. or any other Statute thereof made.

[i] Throughout the Reign of *Ed.* 1. the Aſſent of the Commons is not once *expreſſed* in any of the enacting Clauſes; nor in the Reigns enſuing, till the 9th of *Ed.* 3. nor in any of the enacting Clauſes of 16 *R.* 2. Nay even ſo low as *H.* 6. from the Beginning till the 8th Year of his Reign, the Aſſent of the Commons is not once expreſſed in any enacting Clauſe.

entered

entered in the Parliament Roll, and always allowed to be an Act, it ſhall be intended to have been by Authority of Parliament. But, he concludes, " If it be " penned, that the King enacts with the Aſſent of the Lords, or with the Aſſent " of the Commons, it is not an Act of Parliament, for the Record of the Act " expreſſing which of them gave their Aſſent, excludeth all Intendments that any " other gave their Aſſent [k]."

This Diſtinction however, with due Deference to ſuch great Authority, does not ſeem to eſtabliſh any ſolid Difference. For, the Legiſlature conſiſting of *three* Orders, where *one* alone (the King for Inſtance) is expreſſed, there is the ſame Ground for excluding all Intendment with regard to the other *two*, as there is for the Excluſion of *one*, where *two* only are mentioned: And no valid Reaſon can be given, why the Aſſent of *one* Order ſhould not be intended, as well as the Aſſent of *two*. Beſides, the univerſal Reception in Courts of Juſtice, ſeems to be againſt his Lordſhip's Poſition: For the Statute *de Malefactoribus in Parcis*, where it is ſaid, that " the King hath commanded, at the Inſtance of his Nobles," hath always been deemed a Statute. Other Statutes likewiſe mentioned by Serjeant *Hawkins*, ſuch as *Quia emptores terrarum*, which is worded as " an Ordinance at the Inſtance of " the great Men;" *Articula ſuper chartas*, which only mentions the Prelates, Earls, and Barons; and the *Statute of Money*, which runs in the ſame Form, have been univerſally received as Acts of the whole Legiſlature, though *particularly* penned, and omitting the *Commons*.

But the Doctrine laid down by Lord *Coke* and others, will appear the more indefenſible, if we take a retroſpective View of the antient Method of paſſing Acts of Parliament, wherein we ſhall find, that the concurring Aſſent of the ſeveral Orders of the State was not for ſome Time held eſſentially requiſite; and that after the Commons were *reſtored*, as a Part of the Legiſlature, their Influence was ſo inconſiderable, that it was many Years before *their* Right of *Aſſent* in particular was fully acknowledged and eſtabliſhed in Practice.

Concerning the antient Method of paſſing Laws, during the *Britiſh* and *Saxon* Times, we can conclude little with Certainty. The *Britiſh Kifrithin*, or Great Council, ſeems to have been rather an occaſional and tumultuary Meeting, than an Aſſembly compoſed of regular and diſtinct Orders [l]. With regard however to the *Saxon*

[k] *Co.* 20. b.

[l] Many have undertaken to prove that the Commons were conſtituent Members of the *Britiſh* Great Council. Of this Opinion is Lord *Coke*, Pref. to 9th Rep.

Petyt likewiſe adopts the ſame Notion on the Authority of *Dion Caſſius*, who aſſures us, in the Life of *Severus*, that *apud Britannos* POPULUS *magna ex parte Principatum tenet.* But the Word *Populus* here, according to *Brady*, can only mean the great Men or Leaders; ſince *Tacitus*, in the Life of *Agricola*, long before the Time of *Severus*, informs us that *Britanni olim* REGIBUS *parebant, nunc per* PRINCIPES *factionibus & ſtudiis trahuntur.*—*Brady* however ſeems to have miſtaken the Senſe of this Paſſage, which he tranſlates, or rather *amplifies* thus: " In Times paſt, the *Britains* obeyed their Kings, *and lived und r Mo-* " *narchy*; now they are drawn into Factions and Parties by their Chiefs and great Men." From the Words in Italicks, which are not to be found in the Original may be inferred, what *Brady* indeed ſuppoſes, that the *Britains* no longer lived under Monarchy, but had degenerated into a Populacy, or, as he expreſſes it, a Compound of Ariſtocracy and Democracy. Whereas the Fact is, that the *Britains*, at that Time, lived under their Kings; and the Hiſtorian, within a few Pages of the Paſſage cited, ſpeaks of King *Cogidunus*

Saxon Conſtitution, though we cannot trace the Forms on which the ſeveral Orders of the State concurred in the Buſineſs of Legiſlation, yet we frequently find expreſs Mention of the *People* in the *Saxon* Laws [m]: And it may, among other Circumſtances, be collected even from the Nature and Deſign of the *Folcmote* [n], that they bore no inconſiderable Share in the Adminiſtration of Government; as many have, with good Reaſon, contended [o].

We may nevertheleſs venture to conclude, that the Authority of the Commons, however conſtitutionally extenſive in point of Right [p], ſoon became very inconſiderable

Cogidunus and Queen *Voadicea*. *Brady*, with ſome others, ſeems to have been betrayed into this Miſconſtruction, by taking the Words *Regibus* and *Principes* as oppoſed to each other: Whereas the Oppoſition is between the Words *Parebant* and *Factionibus trahuntur*. See the Annotator on the *Amſterdam* Edition of *Tacitus*.—It is obſervable that the learned *Spelman* has fallen into the ſame Error: For, after quoting the above Paſſage from *Tacitus*, he ſays, "*Vides in hiſce Conſiliis nec Regis adeſſe Preſentiam nec Authoritatem.*" An Inference by no means deducible from the Words of the Hiſtorian. See *Spelm.* Gloſſ. *Voce Parliamentum*.—Some, who have treated of this Subject, tell us that the Members of the *Britiſh* Councils were their *Edlins*, who were of princely Race: Together with the Governors of Diſtricts and Lords of Villages. But this Inquiry is involved in ſuch Obſcurity, that perhaps it is not ſafe to form any poſitive Concluſion.

[m] They are expreſsly named in the Wittanagemot held by *Ethelwolf* in the Year 855, when a Tenth was given to the Church by the King, *cum Thanis, Baronibus, &* POPULO. They are again expreſsly named in the 8th Law of *Edward* the Confeſſor. And in the 35th Law, we find the *Aſſent of the People* expreſſed as follows: *Hoc enim factum fuit per Commune Conſilium &* ASSENSUM *omnium Epiſcoporum, Principum, Procerum, Comitum, & omnium Sapientum, Seniorum, &* POPULORUM *totius Regni.*

[n] The *Folcmote* was of two Kinds; the Folcmote *Comitatus*, or *Shiremote*, and the Folcmote *Civitatis vel Burgi*, that is the Burgmote. The former was an yearly Aſſembly of the People of all Ranks, in the Nature of an *annual Parliament*, and the Laity there took the Oath of Fealty before the Biſhops: At theſe yearly Meetings likewiſe, they conſulted for the *common Safety, about Peace and War, and to promote the Publick Good.* Beſides theſe annual Meetings, if any ſudden Contingency happened, it was the Duty of the *Aldermen of Cities and Boroughs* to ring the Bell called in *Engliſh Motbel*, in order to bring the People together to the *Burgmote*, that, by their *Common Council*, they might provide for the *Security of the Crown, and take Meaſures to ſuppreſs the Inſolence of Malefactors.* See the 35th Law of *Edward* the Confeſſor.—It is probable that the Reſolutions taken at theſe annual Meetings were diſcuſſed and finally concluded at the Courts *de More*, which, according to the Inſtitution of *Alfred*, met at the three great Feſtivals of *Eaſter, Whitſuntide*, and *Chriſtmas*. Theſe Courts *de More* were ſometimes called the *Ealra Wittanagemot*, or Meeting of *all* the wiſe Men. As to the *Wittanagemot*, though it was compoſed of the ſame Orders in reſpect of Rank as the *Ealra Wittanagemot*, yet it appears to have been only an occaſional Aſſembly of ſome choſen Members, ſummoned when any Emergency happened in the Intervals of the three great Feſtivals.—Sir *Hen. Spelman, Voce Gemote*, ſaith, "that the *Wittanagemote* differed little from the *Folcmote*, except that the latter was annual, and for the moſt Part ſummoned on certain Occaſions; whereas the former was called at the Will of the Prince, upon arduous Contingencies, and for the Sake of making Laws." But a great Part of this Diſtinction vaniſhes, ſince we find from the Law above mentioned, that the Folcmote alſo was ſummoned on arduous Contingencies. Indeed Sir *Henry* does not ſeem to have treated this Subject with his uſual Accuracy and Perſpicuity: For after having obſerved, that at the annual Folcmotes, the People conſulted about the Publick Safety, about Peace and War, *&c.* he adds—"*Adhibetur præterea* Folcmotum *in repentino omni Diſcrimine: Exigente etiam Neceſſitate ſub Aldermanno (hoc eſt,* Comite) *cujuſlibet* Comitatus." Here we find that he erroneouſly makes the Folcmote on extraordinary Occaſions to be *ſub Aldermanno* COMITATUS; whereas it appears from the Law above cited, that it was *ſub Aldermannis in* CIVITATIBUS & BURGIS. But to enter into theſe Minutiæ of the *Saxon* Conſtitution would require a Volume by itſelf.

[o] *Elſyng, Petyt, Hackwell, Sadler, Harrington, Dugdale, Lambard*, Lord *Coke*, and others. *Lambard*, Lord *Coke*, and many others, rely on the Authority of the old MS. *Modus tenendi Parliamentum*, which is rejected as ſpurious by *Selden* and *Prynne*. ☞ There are ſeveral Copies of this MS. *Modus*, among the *Cottonian* Manuſcripts in the *Britiſh Muſæum*, which materially differ from each other: And though there is good Ground to ſuppoſe that it is not ſo antient as its Title imports, yet ſuppoſing it to have been made even ſo late as the Time of *Edw.* 3. as *Selden* conjectures, yet it may ſerve to expreſs the Senſe of thoſe Times with reſpect to the Rights of the *Commons*, to which they were willing to add the Sanction of Antiquity.

[p] *Dugdale* and *Lambard* conclude very ſtrongly that the Commons were repreſented among the *Saxons*; and the latter produceth a very cogent Reaſon in ſupport of this Opinion. For, ſaith he, many antient

derable in Effect. We may indeed judge of the Weakneſs of their Influence, by attending to the unequal Balance of Property among the *Saxons*; which is, perhaps, one of the ſureſt Rules to determine the reſpective Powers of the different Orders of the Conſtitution [q]. And indeed it appears to have been ſo ſmall, that it is no Wonder we find the Trace of it for ſome Time effaced by the Revolution effected under *William* the *Norman*.

While the feodal Syſtem which he introduced, or rather, perhaps, extended [r], was preſerved in its full Vigour, we find no *expreſs* Mention of the Commons. But the great Oppoſition the ſucceeding Kings met with from the enormous Power of the Barons, and the Struggles between regal and ariſtocratical Tyranny, occaſioned the Decline of that Syſtem; and, with other concurring Circumſtances [s], gradually made Way for the *Reſtoration* of the Commons into the Great Council. As the greater Baronies eſcheated, they were, in order to leſſen the Influence of the Nobility, portioned out into leſſer Tenures, *in Capite* [t]; and theſe Tenants were called the *Leſſer Barons*; who had a Right of attending the Parliament. Their Number, according to *Gilbert*, was at one Time *three thouſand:* Their Attendance conſequently becoming inconvenient, if not impoſſible, two Knights were at length ſummoned from each County, in the room of theſe Leſſer Barons.

The firſt Summons of theſe Knights, extant on Record, is the 49th of *Henry* III. [u] And it doth not appear that the Citizens and Burgeſſes, who were, at that

and long ſince decayed Burroughs do ſend Burgeſſes to Parliament, though it cannot be ſhewn that thoſe Burroughs have been of any Reputation ſince the Conqueſt, much leſs that they have obtained the Privilege by the Grant of any ſucceeding King: So, on the contrary, they of antient Demeſne do preſcribe in not ſending Burgeſſes to the Parliament; which Preſcription proves that there were ſome Burroughs before the Conqueſt, which did ſend Burgeſſes. See *Dugd.* Orig. Jurid. and *Lambard*'s *Archæon*, or Diſcourſe on the High Courts of Juſtice. The Reader will find the ſame Arguments in Lord *Coke*'s Preface to his 9th Report.—Upon the whole, there ſeems to be the ſtrongeſt Reaſon for concluding that the *People* had a Share in the Adminiſtration of the *Saxon* Government, though it is not eaſy to aſcertain the Forms in which they exerciſed their Rights. It is not improbable that their *Folcmote* anſwered, in ſome Reſpects, to our Houſe of Commons: That their *Ealra Wittanagemot* bore Reſemblance to the Houſe of Lords: And that their *Wittanagemot* was ſomewhat in the Nature of our Privy Council. But after all perhaps, it is more diſcreet to confeſs our Ignorance in theſe Points, than to form uncertain Concluſions, or hazard vain Conjectures.

[q] Under the *Saxon* Monarchy, the Poſſeſſions of the great *Thanes* were ſo immenſe, that they were not only called *Reguli*, or petty Kings, but in Effect they exerciſed a Kind of regal Authority within their ſeveral Juriſdictions. The *Saxon* Policy likewiſe contributed to increaſe and confirm the ariſtocratical Power. For, if a Clown obtained a certain Portion of Land, that is, five Hides, he became a Thane; if a Merchant croſſed the Sea thrice on his own Account, he roſe to the ſame Honour; and if a Thane improved his Eſtate to the Amount of an Earldom, then he became an Earl. Though Inſtances of ſuch Advancement might not probably be very frequent, yet it is eaſy to conceive, that, under a Government, where a certain Portion of Property alone, ſtamped the Rank of Nobility on the Poſſeſſor, the Influence of the Burgeſſes or Commons muſt be extremely low. The ſame Law, which gave Encouragement to Trade, proved injurious to Liberty, by its Tendency to increaſe the Power of the Ariſtocracy.

[r] See *Wright*'s Tenures, where the Authorities concerning Introduction of feodal Tenures are candidly and accurately ſtated.

[s] The Frauds and Impoſitions in collecting the Scutages and other feodal Revenues, was perhaps among the Cauſes of reſtoring the Commons, in order to procure their Aſſent to ſuch Taxes as were propoſed to be levied on them.

[t] This Policy is generally attributed to King *Stephen*.

[u] It is well obſerved by *Brady*, that it does not appear by the Writ, whether the Sheriffs, or the Counties, were to elect theſe Knights; the Mandate to the Sheriffs being only *Quod venire faciant*. It is obſervable

that Time, the true Commons of the Realm, were regularly ſummoned at this Time. All we find is, that the Cities of *York* and *Lincoln*, and other Boroughs of *England*, were written to and required to ſend two of the moſt diſcreet Men, *&c.*

The firſt regular Summons we meet with, directed to the *Sheriff*, for the *Election* of Citizens and Burgeſſes, is in the 23d of *Edward* I. [x] The Commons had by this Time obtained ſome Share of Influence: But ſuch was the little Regard paid to their Rights, that their Aſſent [y] was not, for a long Time after, held eſſential to the enacting of Laws.

Even the Barons themſelves were, for ſome Time, conſidered merely as *Counſellors*, and, aſpiring alſo to the Honours of the Chace, with the romantick Glory of Chivalry, they were glad to be relieved from the ſpeculative Buſineſs of Legiſlation, which they willingly committed to the King and his Judges [z].

But

ſervable likewiſe, that theſe Knights ſeem, for ſome Time, to have been conſidered as a diſtinct Order from the Commons; as may be inferred from the 10 *Ed.* 3. where it is ſaid, "The King hath perceived, "at the Complaint of the Prelates, Earls, Barons, and alſo at the ſhewing of the *Knights of the Shires*, "and his *Commons*, *&c.*" Likewiſe in 6 *Ed.* 3. *n.* 6. the Prelates, Earls, Barons, and Great Men by themſelves, *& les Chivalers des Countez &* GENTZ DU COMMUNE *par Eux Meſmes*, &c. ☞ It may not be improper, however, to obſerve of *Brady*, that though he diſcovers great Learning and Acuteneſs, yet he evidently wrote with the illiberal View of ſerving a Party, rather than of inveſtigating Truth. As an Author, therefore, he ought to be read with Caution: And as a Man, capable of proſtituting his Talents to explain away the Rights of the People, he ought to be remembered with Concern.

[x] This, however, was more properly the Revival than the Commencement of their Right. Indeed there are the ſtrongeſt preſumptive Proofs, that the Commons were a Part of the Parliament ſoon after the Conqueſt; or at leaſt very early in the Reign of *Hen.* 3. For the 25th of *Ed.* 1. which confirms *Magna Charta*, ſays, that it was made by the *common Aſſent of all the Realm*. And the 15th of *Ed.* 3. ſpeaks more ſtrongly, that *Magna Charta* was made *par le Roi, ſes Piers, & la Communalte de la Terre:* And the Judgment of thoſe early Times is more to be regarded than the partial Conſtruction of modern Interpreters. Moreover, though the Summons of the 49 *H.* 3. is the firſt on Record, which comes near to the Form ſo long in Uſe, yet there are Inſtruments on Record long before this Time, from whence it may be inferred that the Commons were called to the Great Council, as appears from WHITLOCKE's *Notes on the King's Writ for chuſing of Members of Parliament*; a MS. the Property of Dr. *Moreton*, who favoured the Editor with the Peruſal of it. ☞ *Brady*, however, with his uſual Subtlety, would perſuade us, that the Word *Communalty* antiently meant the Barons only, and Tenants *in Capite*, or military Men: But though he has cited ſome Inſtances where the Word may be ſo underſtood, yet, in the 14 *Ed.* 3. Stat. 2. the Words *Communalty* and *Commons* are expreſsly uſed as ſynonymous Terms: And there are ſuch innumerable Inſtances in the antient Records where the Words *Communitas* and *Communaute* are deſcriptive of the *Commons only*, that no unprejudiced Writer could overlook or ſuppreſs them. But *Brady*, who reſts his Arguments on mere verbal Niceties, would farther perſuade us that the Words *Proceres, Nobiles, Optimates, Magnates, &c.* conſtantly denote the Barons or Noblemen; whereas, however they may be ſo taken in a claſſical Senſe, yet, in the antient Records, they are often applied to diſtinguiſh the chief of the Commoners, that is, the *repreſentative Body*; as in the Stat. *de Aſportatis Religioſorum*, 35 *Ed.* 1.—*poſt deliberationem, &c. cum* COMITIBUS, BARONIBUS, PROCERIBUS *et aliis* NOBILIBUS, *ac* COMMUNITATIBUS *Regni*, where the Words *Proceribus, Nobilibus, ac Communitatibus*, muſt be deſcriptive of the Knights, Citizens, and Burgeſſes. And of this Opinion is Lord *Coke*, 2 Inſt. 583. Nay, it would not be difficult to produce many Records, where the Word *Barones*, notwithſtanding *Brady* ridicules the Notion, was antiently applied to denote the Commons, and particularly the Burgeſſes. *Whitlocke*'s MS. above cited,

[y] That their *Aſſent* was a Matter of *Right*, however it might be over-ruled by the arbitrary Practices of early Times, may be inferred from the Words of the Writ of Summons, which are *ad audiendum & faciendum &* CONSENTIENDUM. It is obſervable that the Summons to the Biſhops and Barons was *de arduis Negotiis Regni tractaturi & Conſilium impenſuri*. Yet there are many Inſtances on Record which prove that the Commons alſo were *conſulted* about important Affairs of State, ſuch as *Peace and War*, &c. For which ſee *Cotton. Poſthum.*

[z] We find in the Statute Code, ſome Traces of this Prerogative exerciſed by the King. The Statute of *Gavelet*, 10 *Ed.* 2. for Inſtance, runs thus: "It is provided by our Lord the King *and* his *Juſtices*, &c."

But as greater Refinement took place, they not only aſſerted their Right of Aſſent to Acts of Legiſlation, but, while their Influence was predominant, they, in fact, bid open Defiance to the Crown.

The Commons ſeem at firſt, among other Reaſons, to have been oppoſed as a Counterbalance to their exorbitant Power: And they naturally adhered to the Sovereign, from Averſion to the Barons, who were no leſs their Oppreſſors, than Opponents to the Crown [a].

The Commons were for a long Time, nevertheleſs, ſo far from being conſidered as eſſential Branches of the Legiſlature, that even after they were unqueſtionably reſtored to Parliament, yet we find that they were not conſtantly and *regularly* ſummoned as a diſtinct Order, the Sheriffs omitting them at Pleaſure [b]; and the King ſometimes, in the Writ of Summons, expreſsly naming the Repreſentatives which the Sheriffs were to return [c].

Their Attendance was, for a long Time, deemed a Burthen both to Repreſentatives and Conſtituents [d]; and though after Election the Members gave Security for their Attendance, yet it is common to find the Parliament adjourned, becauſe many of the Commons were not come, nor the Writs returned [e].

In moſt of the antient Statutes, they are not ſo much as named: And in ſeveral, even where they are mentioned, they are diſtinguiſhed as Petitioners merely, the *Aſſent* of the Lords being expreſſed in Contradiſtinction to the *Requeſt* [f] of the Commons.

One of the principal Cauſes, however, of their being ſummoned, which was to procure their Conſent to the levying of Taxes, naturally contributed to extend and enlarge their Influence; for, after they had granted Supplies to the King, in which they were ſometimes emulouſly and oſtentatiouſly liberal, they reaſonably

without any Mention either of Lords or Commons. That Laws in theſe early Times were made by the ſole Authority of the King, without the Concurrence of any other legiſlative Branch, is farther evident from the *Mirroir des Juſtices*, the Author of which complains, "That Ordinances are only made by the King "and his Clerks, and by Aliens and others, who dare not contradict the King, but ſtudy to pleaſe him. "Whence," he concludes, "Laws are oftener *dictated by Will*, than *founded on Right*."

[a] If we conſider the Influence the King had in Demeſne Towns, he might as well have been abſolute with a Parliament as without; and the Parliament at firſt, ſo far as it conſiſted of Commoners, was intended as a Support to Prerogative.

[b] No Mention is made of Knights or Burgeſſes in the 23 *Ed.* 1. *m.* 8. *dorſo*; nor in 27 *Ed.* 1. *m.* 17. *dorſo*. We find the like Omiſſion in ſeveral other Inſtances. In one Summons of the 23 *Ed.* 1. the Barons only are mentioned. See likewiſe the Commons Petition, 13 *Ed.* 3. *Cotton*'s Abridg. *n.* 23. Alſo 5 *Rich.* 2. Stat. 2. c. 4.

[c] See Cl. 45 *Ed.* 3. *m.* 2. *dorſ.*

[d] Patents of Exemption were antiently granted to particular Perſons and Boroughs. *Prynne*'s Animad. on 4 Inſt. p. 32. and *Maddox*'s MSS. in the *Britiſh Muſæum*, No. 13. Tit. *Parl.*

[e] See *Cotton*'s Abr. *paſſim.*

[f] See 10 *Ed.* 3. Stat. 1. c. 2. the Statutes of *Rich.* 2. throughout, the Statutes of *Rich.* 3. throughout. See alſo *Hen.* 7. where many Statutes are ſaid to be made by the Advice and *Aſſent* of the Lords Spiritual and Temporal, and at the *Supplication* of the Commons; at other Times at the *Requeſt*—ſometimes the *Prayer* of the *Commons*.

expected

expected ſome Return for their Liberality. Accordingly, after having provided for the King's Neceſſities, they took Occaſion to preſent Petitions for the Redreſs of Grievances; from which Petitions, moſt of our early Statutes are framed [g]. This Method of framing the Acts, ſeems to have taken riſe from near the Beginning of the Reign of *Ed.* III. For, till then, the Acts were drawn up in the Form of a Law, in the firſt Inſtance; but, from that Time, the Petition, with the King's Anſwer, was entered on the *Parliament Rolls*, and from them, by Advice of the Judges, and others of the King's Council, the Act was framed, and *for the moſt part* entered in a Roll called the *Statute Roll*, and the Tenor thereof affixed to Proclamation Writs, directed to the ſeveral Sheriffs to proclaim it as a Law in their reſpective Counties [h].

Many Acts, however, though undoubtedly valid, were not entered on the *Statute Roll:* For if the Bill did not demand *Novel Ley*, that is, if the Proviſion required would ſtand with the Laws in force, and did not tend to change or alter any Statute then in being, in ſuch Caſe the Law was complete by the Royal Aſſent on the *Parliament Roll*, without any Entry on the *Statute Roll:* And ſuch Bills were uſually termed *Ordinances*, being ſuch as might at any Time be amended by the Parliament without any Statute; whereas one Statute could not be altered but by another: And this Diſtinction is clearly expreſſed in the Rolls hereunder cited [i].

When the Commons had obtained Anſwers to their Petitions [k], ſuch as were granted were framed into Acts, and frequently paſſed, without their Concurrence

[g] Some of our antient Statutes run in the Form of *Petition and Anſwer*, ſuch as *Articuli Cleri*, 9 *Ed.* 2. Stat. 1.

[h] See *Hale*'s Hiſt. of Common Law.

[i] *Rot.* Parl. 37 *E.* 3. *nu.* 38. "As the Things granted in this Parliament were *new*, and not known "before then, the King aſked the Commons if they would have the Things ſo granted, by way of Or- "dinance or Statute?" And they anſwered that, "It was good to have them by way of Ordinance, "and not by Statute, to the end that if any Thing required Amendment, it might be amended at the "next Parliament (1)." It may be collected from this Record, that, though the Law demanded was *new*, yet if it was ſuch as might ſtand with the old Laws, and did not alter any Statute then in force, it might paſs indifferently by way of Ordinance or Statute; whereas if it changed any old Law it muſt have been by Statute: As is farther evident from the following Record: *Rot.* Parl. 22 *E.* 3. *nu.* 30. "The "King, by the Aſſent of the Lords, made Anſwer, that *Laws and Proceſs heretofore uſed* could not be "*changed*, without making *new Statutes*." But after all, it muſt be confeſſed that whatever the Right was, yet ſo irregular was the Practice, that a great Number of printed Acts, as *Prynne* obſerves, refute this Diſtinction. In ſhort, Acts are, by the Legiſlature, frequently called Ordinances; and Ordinances again are as frequently ſtyled Acts of Parliament or Statutes: And ſometimes the Words Act and Ordinance are coupled together. Therefore perhaps the only Difference, if any, between them is, that Bills entered with the Royal Aſſent on the *Parliament Roll*, were called *Ordinances*, and when entered on the *Statute Roll*, were ſtyled Statutes. In ſhort, however they may be verbally diſtinguiſhed, their Operation was the ſame.

[k] Their Petitions were ſometimes ſlightly regarded, being frequently referred to the Conſideration of the Council out of Parliament, or perhaps totally thrown aſide. See *Cotton*'s Abr. Tit. Petition, Council, *&c. paſſim.*

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(1) Among the Ordinances on this Roll, is one for regulating Apparel: And it is obſervable that "the "Chancellor, by the King's Command, charged the Commons, at their Return into the Country, to "ſhew and publiſh the Ordinance of Apparel, to the end that every one might wear Apparel agreeable "thereto." This ſerves to explain in what Manner thoſe Acts which were not entered on the Statute Roll, nor conſequently proclaimed by the Sheriffs, were made known to the People.

or Inſpection [l]. And their Aſſent, though an undoubted Right, was ſo far from being indiſputably eſtabliſhed in Practice, that we find it diſputed in the moſt eſſential Points, and arbitrarily over-ruled during the Reigns of *Edward* III. and *Richard* II. [m]

Nevertheleſs the Commons, in the Reign of *Rich.* II. had gained a very conſiderable Aſcendancy; for, in the firſt Year of the ſucceeding King, they even attempted to ſhare with the Lords in their judicial Capacity: But the Archbiſhop of *Canterbury*, by the King's Command, told them, that "they were only *Petitioners*; and that all Judgments appertain to the King and to the Lords, UNLESS "it were in STATUTES, Grants, Subſidies, or ſuch like; the which Order the "King would have from that Time to be obſerved."

By this concluding Exception, we find the legiſlative Right of the Commons expreſsly acknowledged in Terms, yet it was ſtill ſo little regarded in Practice, that it was again invaded the very next Year: And the 2d of *Hen.* IV. *c.* 15. was paſſed, though the Commons never aſſented to it, but, on the contrary, diſavowed it [n]. The Force of that Act, nevertheleſs, was felt till the Reigns of *Hen.* VIII. and *Ed.* VI. Nay, afterwards, in *Mary*'s Time, till its final Repeal in the Reign of Queen *Elizabeth*. Inſtances of this Kind probably gave birth to the Petition in the 8 of *Hen.* IV. when "it was enacted, at the Requeſt of the Commons, "that certain of the Commons Houſe ſhould be preſent at the engroſſing of the "Parliament Roll [o]."

But, notwithſtanding theſe Securities, Acts ſtill continued to be paſſed without the Commons Aſſent; and they were, from Time to Time, compelled to renew their Claim of Right in this Behalf, which they did in 2 *Hen.* V. in the following ſtrong Terms:

[l] The antient Records furniſh us with many Inſtances of Complaints, made by the Commons on thoſe Heads. In the 21 *Ed.* 3. they pray, that Petitions which be for the Common Profit, may be anſwered in Parliament before them, ſo as they may know the Indorſement, and have Remedy according o Ordinance of Parliament. See *Rot.* Parl. 21 *E.* 3. *nu.* 8.—In the 5th of *Rich.* 2. they pray that they might view the Ordinances before they were confirmed. See *Rot.* Parl. 5 *R.* 2. *nu.* 23.

[m] In the 51 of *Ed.* 3. we find an Impoſition laid without the Conſent of the Commons; and the ſame King, in the laſt Year of his Reign, tacitly reſerves a Right of taxing them without their Conſent. For upon a Petition, praying, "That the Prelates, Earls, Barons, Commons, Citizens, and Burgeſſes "of *England*, be not thenceforth charged, *&c.* but by common Aſſent, *&c.* the King anſwered, That "he is not at all willing to do it, *without great Neceſſity*, and for Defence of the Realm, *and where* HE "MAY DO IT *with Reaſon.*" *Rot.* Parl. 51 *E.* 3. *nu.* 25.—In the firſt Year of *Rich.* 2. Money was raiſed without Aſſent of Parliament. *Maddox*'s MS. No. 14. Tit. Parl. Two Commiſſions were granted for the ſame Purpoſe in the 2d of *Hen.* 4. without Aſſent of Parliament. See *Cotton*'s Ab. p. 406. *nu.* 22. In 21 *R.* 2. Aſſeſſments were made upon Counties out of Parliament by the King's Letters Patent only. *Maddox* MS. No. 12. Tit. Parl.—As a Proof that Acts were often paſſed without their Concurrence or Aſſent, we find in 6 *Rich.* 2. an Act, made in the laſt Parliament, revoked, and the Cauſe aſſigned is, becauſe the ſaid Statute was *never aſſented* to, nor granted by the Commons. It is obſervable, nevertheleſs, that the Act of the 6th *Rich.* 2. was never printed, as Lord *Coke* aſſures us, and the Statute of the 5th, *though paſſed without the Aſſent of the Commons*, was, as it is ſaid, put in Execution, and continued in force till it was repealed by 1 *Ed.* 6. *c.* 12. and 1 *Eliz. c.* 1. See *Rot.* Parl. 6 *R.* 2. *nu.* 52. And ſee *Cotton*'s Abr. p. 354. where there are ſeveral Inſtances of Acts paſſed without the Aſſent of the Commons.

[n] See *Fox*'s Acts and Monaſt. And 4 Inſt. *c.* 1.

[o] See *Rot.* Parl. 8 *H.* 4. *nu.* 65.

"Oure

" Oure Soverain, your humble and trewe Leiges that ben come for the Comens " of your Lond, by ſeeckyn onto your rigt Wiſſeneſſe. Tha ſoo as hit hath evere " be thair Libertie and Freedom, that thair ſhould be no Statut no Lawe be made " of laſſe than they yaf thereto thair Aſſent, conſideringe that the Coē [p] of your " Lond, the whiche that is, and evere hath be a Membre of your Parlement, ben " as well *Aſſentors* as Peticioners: That fro this Tyme forward, by Compleynte " of the Comens of any Miſchief, axhinge Remedie by Mouthe of their Speker " for the Comens, other elſe by Petition writen, that ther nevere be no Lawe " made thereuppon and engroſed as Statut and Lawe, nother be Addicions, nother " by Dimunucions, by no Maner of Terme ne Termes, the whiche that ſholde " chaunge the Sentence and the Intente axhed by the Speaker Mouthe, or the Pe- " ticions bifore ſaid, yeven up yn Wrytyng, by the Manere forſaid, withoute Aſ- " ſent of the foreſaid Comens, conſyderinge oure Soverain Lord, that it is not in " no wyſe the Entente of oure Comens, gif hit be ſo that they axhe you by ſpe- " kyng or by writyng too Thynges or three, or as manye as theym luſt, but that " evere it *ſtonde* yn the Fredom of your high Regalie, to graunte which of thoo " that you luſte, and to wernne [q] the Remanent."

To this the King gave the following Anſwer: " The Kyng, of his Grace " eſpecial, graunteth yat fro hensforth, nothing be enacted to the Peticions of " his Commune, yat be contrarie of hir aſkyng, wharby they ſhuld be *bounde* " *without thair Aſſent*, ſavyng alwey to our Leige Lord his reall Prerogatif, to " graunt and denye what him luſt of their Peticions and Aſkynges aforeſaid [r]."

Before this Petition, it was uſual, upon entering the Bill on the Statute Roll, to make Additions, Diminutions, and Alterations [s], whereby the Act was made to vary materially from the Subſtance of the Commons Petitions, and ſometimes framed directly contrary to their Senſe and Meaning. Several Inſtances of this Kind occur on the Rolls; but it will be ſufficient to mention one, which is extremely remarkable, *viz.* the 36 *Ed.* III. *ſtat.* 1. *c.* 15. providing that all Pleas ſhall be pleaded in the *Engliſh* Tongue, which is the Purport of the Petition on the Parliament Roll; but on the Statute Roll, we find theſe Words added—" *And that they be entered and* " *inrolled in Latin*," &c. which Words are not on the Parliament Roll [t].

Nevertheleſs this Bill of the 2 *Hen.* V. did not wholly remove the Evil; for many Inconveniencies ſtill aroſe, from the Method of extracting and drawing up the Statute, from the Petition and Anſwer on the Parliament Roll. To remedy which, about the End of *Hen.* VI. and the Beginning of *Ed.* IV. the Practice

[p] Sic in Orig.

[q] *Wernne* is a *Saxon* Word, which ſignifies to *deny* or *refuſe*.

[r] *Rot.* Parl. p. 1. Mem. 3. N. 22.

[s] See *Glanville*'s Speech, in *Ruſhworth*'s Collection, Vol. I. p. 574. which perhaps is one of the moſt nervous, ſpirited, and maſterly Pieces of Oratory in the *Engliſh* Language.

[t] *Vid. Rot.* Parl. 36 *Ed.* 3. *nu.* 38. For farther Inſtances of this Kind, ſee *Maddox*'s MSS. in the *Britiſh* Muſæum, intitled, *Expeditionis Billarum Antiquitas*, which contains a very circumſtantial Account of the antient Method of paſſing Bills: And, as the Editor is informed, will ſhortly be made publick.

was

was introduced, or rather *revived*, of reducing the Petitions, even in the firſt Inſtance, into the full and complete Form of Acts of Parliament, which were commonly entered in this Form—Item *Quædam Petitio exhibita fuit in hoc Parliamento Formam Actus in ſe continens* [u].

This Form prevailed many Years, but the Title at length was diſuſed, the Method, in other reſpects, ſtill continuing the ſame as it is at preſent, the Bill being drawn up, in the firſt Inſtance, in the Form of an Act, and brought to the Sovereign for his Aſſent.

The Power of the Commons, however, in theſe and the ſucceeding Reigns, was daily increaſing; and the civil Wars between the Houſes of *York* and *Lancaſter*, contributed to extend their Influence. For Competitions of this Nature, however fatal to Individuals, never fail of adding Weight to the Body of the People [x]. In all conteſted Titles, they are courted by each Party, and whoever prevails, is directed by Policy to have his Title recognized by them, and to ſecure the Continuance of their Favour and Support, by ſome Enlargement or Confirmation of their Privileges. Add to this, that the Power of the Nobility beginning to decline, they were glad to gain the Commons to their Party, which farther extended the Influence of the repreſentative Body.

During theſe Conteſts, however, when *civil* Rights were ſo far from being eſtabliſhed, that the primitive Rights of Juſtice and Humanity were daily violated, the Buſineſs of Legiſlation was variouſly and irregularly conducted, both in Form and Subſtance. And there ſeems to have been no ſettled Precedent for penning the enacting Clauſes [y], till the 13th of *Charles* II. *ſtat.* 2. *c.* 2. when the Form now in uſe firſt took place.

Our Judgment, however, with regard to the antient Acts, ought to be guided by the *Practice* of thoſe Times; and it would, with Submiſſion, be very unreaſonable to deny the Validity of any of the antient Statutes, upon the Principle laid down in the Books; that is, becauſe the Aſſent of the Commons is not ex-

[u] See *Hale*'s Hiſt. of Common Law.

[x] The Editor is aware that the celebrated *Sidney* has declared himſelf of a different Opinion. Speaking of the Quarrels begun upon perſonal Titles, between *Stephen* and *Maud*, the Houſes of *York* and *Lancaſter*, *&c.* he ſays the People got nothing by the Victory which way ſoever it fall. But in this he ſeems to contradict the concurring Teſtimony of Hiſtorians. *Stephen*, in order to ſecure his tottering Throne, granted a Charter, by which he endeavoured to conciliate the Favour of all Orders. To the Clergy, he undertook to ſupply all vacant Benefices—To the Nobility, that they ſhould not be proſecuted for hunting in the Foreſts—And to the People, that he would remit the Tax of Danegelt, and reſtore the Laws of King *Edward*. *Henry* 4. likewiſe was obliged to court Popularity; and the Commons, during his Reign, exerciſed very large, and till then unuſual Powers: The Particulars of which may be ſeen in *Cotton*'s Abridgement. And *Prynne*, in a Note upon the Abridgement, takes notice, that the Commons young Speaker [Sir *John Tiptoft*] took more upon him, at this Time, than ever Speaker did before him. It is true, when theſe Candidates for Royalty are well ſettled in their Thrones, they then apply themſelves to abridge and reſcind their Grants, and to lower that Power which has exalted their own: For to preſerve the Liberties of a Nation, is a Species of Magnanimity, to which moſt Heroes are unhappily Strangers.

[y] This looſe Method of penning the enacting Clauſes prevailed even in the Reigns of *Elizabeth*, *James*, and *Charles* the Firſt. See 13 *Eliz.* *c.* 20. 18 *Eliz.* *c.* 11. 3 *Jac.* *c.* 16. 7 *Jac.* *c.* 6. 16 *Car.* 1. *c.* 10. with many others of the like Form.

preſſed;

preſſed; ſince it is evident, that their Aſſent, after it was allowed in Terms, was often over-ruled in Practice: That where we may ſafely preſume their Aſſent was given, it frequently was not *expreſſed* in the Act: And that there was not any ſettled Form of declaring the Concurrence of the ſeveral Eſtates of the Kingdom.

IT remains now, in farther Support of the early Statutes, to take notice of ſome more extenſive Objections, which are not levelled againſt the Authority of any particular Act, but are calculated to overthrow the Statutes in general of ſeveral whole Reigns. Of this Nature are the Principles maintained by the anonymous Author of a Treatiſe, intitled, "The hereditary Right to the Crown "of *England* aſſerted," who hath boldly objected to all the Laws paſſed during the Reigns of thoſe Kings, whom he ſtyles Kings *de facto*, on pretence that they are violable: And as an Inſtance that they loſt their Force for want of Confirmation, he hath cited 10 *Hen.* VI. which *Ed.* IV. refuſed to confirm.

This ſtrange Reaſoning has been contraverted by Mr. *Cay* [z]; but as that Gentleman, in the Courſe of his Animadverſions, has advanced ſome Principles which are at leaſt contravertible, it may not be improper to re-conſider the Subject, and to endeavour, at leaſt, to throw ſome additional Light on thoſe diſputable Points.

In Anſwer to the Inſtance of the 10 of *Hen.* VI. cited in the Treatiſe above-mentioned, Mr. *Cay* argues as follows:

"There does appear," ſaith he, "upon the Parliament Roll of the 10 *Hen.* VI. "a Petition and Anſwer for the Purpoſe of the Payment of the Judges Wages, "which I ſuppoſe the learned Author would inſiſt was the Act of Parliament that "was refuſed to be confirmed. But it will be hard to draw any Inference of "Weight from hence; It is plain, that antiently Acts of Parliament had not the "Royal Aſſent complete, till they had it under the Great Seal. The King's An-"ſwer in Parliament was a full Warrant to the Lord Chancellor, to draw it up "upon the Statute Roll, and put the Great Seal to it; *but till that was done, it had "not (antiently) the Force of a Law to bind the People. Many* Bills are entered "on the Parliament Roll, with the Anſwers to them, but with a *Reſpectuatur* alſo: "*And I think none of theſe are reputed to have the Force of a Law. Diſſimulavimus "ſicut opportuit, & dictum pretenſum Statutum Sigillari permiſimus illa vice*, are the "Words of King *Ed.* III. 15 *Ed.* III. *Stat.* 2. See alſo 4 *Hen.* IV. *c.* 13. and 25 "*Hen.* VIII. *c.* 20. § 2.; and *Mayn. Ed.* II. *fol.* 265. Now *this Act of* 10 *Hen.* "VI. *Stat.* 2. never was drawn up into a Statute, nor ſealed as ſuch, but *has a "Reſpectuatur* entered againſt it; ſo that if King *Henry* had continued in Poſ-"ſeſſion of the Crown, this Act would have ſtood in need of a re-enacting Force, "even in his Reign, as well as in the Reign of *Ed.* IV." So far Mr. *Cay*.

[z] The Editor takes this Opportunity of obſerving, that, however he may ſee Occaſion to diſſent from Mr. *Cay*, yet he would be always underſtood to expreſs himſelf with the Regard ſo juſtly due to the Memory of that very able Editor and worthy Man, to whoſe Labours he acknowledgeth himſelf greatly indebted.

Now ſhould we admit the general Doctrine here endeavoured to be eſtabliſhed, it would tend to invalidate the Force of ſome old Statutes, which have, by great Authorities, been deemed unqueſtionably binding. If we conſult the *Parliament* Rolls, whereon the Petitions of the Commons are entered with the *King's Anſwers*, we ſhall find, that, to Petitions of a publick Nature, the King's Aſſent is entered in theſe Words, *Le Roy le voet*. By ſuch Anſwer, the Royal Aſſent was completely given, and the Bill acquired the Force of a Law, before it paſſed the Great Seal, and was entered on the Statute Roll. If the Diſtinction may be allowed, we might ſay that the *Parliament* Roll contained the *Subſtance*, and the *Statute* Roll, the *Form* of the Law. When entered on the latter, the Tenor of it, as hath been obſerved, was affixed to Proclamation Writs, which were directed to the ſeveral Sheriffs, commanding them to proclaim the Act as a Law in their reſpective Counties: But the Act, eſpecially if it did not require *Novel Ley*, as above explained, was in all Reſpects valid, before ſuch Entry and Proclamation; in the ſame Manner as an Act at this Day, after the Royal Aſſent given, is a complete Law, before it is printed: For Printing comes in lieu of the antient Promulgation by the Sheriff. And ſuch Method of Proclamation heretofore uſed, was, as Lord Chief Juſtice *Holt* [a] obſerves, but a mere Act of *Grace*. If an Offence, therefore, had been committed againſt an Act of Parliament, before Proclamation, the Offender had been at the King's Mercy, and he could not have pleaded Ignorance of the Law: For this manifeſt Reaſon—Becauſe all Perſons are bound to take notice of Acts of Parliament, they being ſuppoſed to be preſent at the enacting of them, either in Perſon, or by their Repreſentatives [b].

The Point, however, concerning the Validity of an Act, extant on the Parliament Roll only, and not entered on the Statute Roll, was very amply diſcuſſed at the Trial of the Earl of *Macclesfield* [c]. On that Occaſion, the 11 *Hen.* IV. which was entered on the Parliament Roll only, was produced, and ſtrongly inſiſted on by the Counſel againſt his Lordſhip, in their Reply. Serjeant *Pengelly*, in particular, maintained that the Parliament Roll was the Original, as being the Warrant for the Statute Roll, and therefore of greater Authority. In which Principle he was, in Subſtance, afterwards ſupported by Mr. *Weſt*.

After much Litigation on this Head, a Queſtion was propoſed by Mr. *Onſlow*, which decided the Matter in Controverſy. The Queſtion was, *Whether the King's Aſſent was not entered on the Parliament Roll?* To which Mr. *Holmes*, the Keeper of the Tower Records, and the Perſon then giving Evidence, anſwered,—That it

[a] See the Cauſe of the City of *London* verſ. *Vanacker*, 1 Lord *Raymond* 501.

[b] This Doctrine was maintained very early; for in the Caſe of a Præmunire, 39 *Ed.* 3. upon the Statute of 27 *Ed.* 3. of Proviſions againſt the Biſhop of *Chicheſter*, Serjeant *Cavendiſh*, of Counſel with the Biſhop, objected two Things: Firſt, that the Act, whereupon the Writ was grounded, was no Statute; Secondly, that if it were a Statute, it was never publiſhed in the County. To whom Sir *Robert Thorpe*, Chief Juſtice, anſwered, Although Proclamation be not made in the County, every one is bound to take notice of that which is done in Parliament; for, as ſoon as the Parliament hath concluded any Thing, the Law intends that every Perſon hath Notice thereof; for the Parliament repreſents the Body of the whole Realm, and therefore it is not requiſite that any Proclamation be made, ſeeing the Statute took effect before. 3 *Inſt.* 26.

[c] See State Trials, Vol. 6.

was entered in theſe Words,—" *Le Roy le voet*;" which manifeſtly proved that the Royal Aſſent was complete, and that the Act under Conſideration had the full Force of a Law.

Upon this Occaſion, the Point concerning the *Reſpectuatur* alſo came under Debate: For the Earl, among other Objections to the 11 *Hen.* IV. would have inferred its Invalidity, from the Circumſtance of its being entered with a *Reſpectuatur per Dominum Principem & Concilium.* But this Objection did not prevail, and it was inſiſted that the Reſpite given by theſe Words, did not deſtroy its Operation[d].

Concerning the Authorities cited by Mr. *Cay*, it is to be obſerved, that with reſpect to the 25 of *Hen.* VIII. *c.* 20. though it is a Confirmation of the 23 *Hen.* VIII. concerning Reſtraints of Payments of Annates, *&c.* yet this Confirmation was made in purſuance of a Power *ſpecially* given by a Clauſe in the ſaid Act, of the 23d, enabling the King, within a limited Time, to declare by his Letters Patent, whether it ſhould take effect as an Act, or not[e].

As to the Words of *Ed.* III. *Diſſimulavimus*, *&c.* they ought to be buried in Oblivion; and in Truth it is manifeſt, from the foregoing Obſervations, that no concluſive Argument can be deduced from this Confeſſion, ſo inglorious to Majeſty.

Concerning the 4 of *Hen.* IV. *c.* 13. which confirmeth the 1, 18, and 25 of *Ed.* III. nothing can be inferred from thence, that thoſe Statutes had not the Force of a Law, before their Confirmation: For it is well known, that, according to the ſimple Policy of antient Times, when Laws were not duly obſerved, they could deviſe no better Expedient of enforcing them, than by re-enacting them with Clauſes of Confirmation. But ſuch Confirmations are no Evidence that the Acts, till then, had not the Force of a Law. The Great Charter hath been confirmed more than thirty Times, yet no one will infer from thence, that it was not a complete Act in the firſt Inſtance. In Truth, the Confirmation of an Act did not add to its legal

[d] Lord *Coke*, who firſt printed this Act, gives us to underſtand that the *Reſpectuatur* in the Margin, was entered by the Prince—" A ſtrange Preſumption," ſays he, " *without Warrant of the King his Father* " *and of the Parliament*, to cauſe ſuch a *Reſpectuatur* to be made to an Act of Parliament."—His Lordſhip adds, that the Prince " did the like to another Act in the ſame Parliament, concerning Attornies, " *the like whereof was never done in any former or latter Parliaments.*" ☞ The Act which his Lordſhip here ſpeaks of, is the 11 *H.* 4. *nu.* 63. for reducing the Number of Attornies, *&c.* which was thought ſo grievous, that in the thirteenth Year of the ſame Reign, they prayed that it might be *modified* in the preſent Parliament. See *Rot.* Parl. 13 *H.* 4. *nu.* 49. But if they had not conſidered it as a valid Act, notwithſtanding the *Reſpectuatur*, it would have been unneceſſary for them to have petitioned the King *in Parliament*, for a Modification of the Bill. Beſides, if a *Reſpectuatur*, entered by we know not whom, had the Power of ſuſpending the Operation of a Law, which had ſolemnly received the Royal Aſſent, it would in fact defeat the Purpoſe of the Legiſlature, and amount to a diſpenſing Power.—Biſhop *Nicholſon* likewiſe ſpeaks of the Entry of this *Reſpectuatur*, as one of the Prince's Frolicks. See *Nicholſon*'s Hiſtorical Libraries.

[e] The Reaſon of giving this Power, was that the Operation of the Act might be ſuſpended, in order to afford Opportunity of inducing the Pope, by perſuaſive Means, to redreſs the Grievance of thoſe Exactions: And it appears by the Preamble to the Act of the 25, that the Pope had been actually made acquainted with the Contents of the former Act, and that gentle Means had been uſed to prevail on his Holineſs to reform the Abuſe complained of; which proving ineffectual, the King ratified the Act, in purſuance of the *ſpecial* Power given to him by the Clauſe above recited. ☞ *Note*, The Act of the 23d is not printed in any of the Statute Books, but will be inſerted in the Appendix to this Edition.

Efficacy, but, by bringing it more recently to Memory, under the Authority of the Legiſlature, was thought to make the Dread of Non-obſervance the greater.

In the Year-book of *Mayn. Ed.* II. it muſt be confeſſed that an Objection is there made to the *Expoſitions of the Statute of Glouceſter*, becauſe they are not under the Great Seal. But this appears to have been an Objection *obiter*, and nothing was determined on that Point. If any Determination, however, had been made, reſpecting its Invalidity, yet it would not have ſufficient Weight to overthrow ſubſequent Authorities.

With regard, however, to the *principal* Queſtion ariſing on this Act of 10 *H.* VI. the Premiſes on which the Author of the Treatiſe above named reſteth his Argument, do not warrant his Concluſions. The Denial of Confirmation, ſaith he, was equivalent to annulling or declaring it void. But this Inference by no means follows. For an Act once valid [f], can only be made void by an expreſs Repeal: And a bare Refuſal of Confirmation only leaves the Act in the State wherein it ſtood before.

HAVING thus endeavoured to obviate the Objections which have been made to the Validity of ſeveral Acts printed in former Collections, and continued in this, it may be proper to take notice of a Complaint, frequently made concerning the vaſt Multiplicity of our Statute Laws, which has been deemed the Occaſion of ſuch Confuſion and Perplexity, that a Propoſal to reduce their Bulk, was long ſince recommended to the Parliament from the Throne itſelf [g], at a Time when the Statute Laws of this Kingdom were not an Eighth Part ſo voluminous as they are at preſent.

It hath been obſerved [h], that in early Times former Laws were conſidered no longer in force, than as they were preſerved in the laſt Publication; and by this

[f] It is obſervable that this Writer does not attempt to impeach the Validity of this Act on any other Principle, than the Defect, as he conceives it, of the Sovereign Title: And to this it may be objected, that the very Diſtinction itſelf of a King *de Facto* and *de Jure*, is nugatory; for every King in the actual Adminiſtration of Government, whoſe Authority is recognized by the other Branches of the Legiſlature, is a King *de Jure*. A parliamentary Settlement doth unqueſtionably give as firm a Title to Sovereignty, as any hereditary Succeſſion whatever: And the ſlaviſh Arguments urged by the Advocates of hereditary Succeſſion, tend to preclude Men from their *natural* and unalienable Right of Reſiſtance againſt Tyranny and Oppreſſion.

[g] King *James* I. in one of his Speeches to Parliament, expreſſeth himſelf in the following Terms: "There be in the Common Law divers contrary Reports and Precedents; and this Corruption doth likewiſe concern the Statutes and Acts of Parliament, in reſpect that there are divers croſs and cuffing Statutes, and ſome ſo penned, as they may be taken in divers, yea, contrary Senſes: And therefore would I wiſh both thoſe Statutes and Reports, as well in the Parliament as Common Law, to be once maturely reviewed and reconciled, and that not only all Contrarieties ſhould be ſcraped out of our Books, but even that ſuch Penal Statutes as were made but for the Uſe of the Time (from Breach whereof no Man can be free), *which do not now agree with the Condition of this our Time*, ought likewiſe to be *left out of our Books*, which, under a tyrannous or avaritious King, could not be endured; and this Reformation might, methinks, be made a worthy Work, and well deſerves a Parliament to be ſat of Purpoſe for it." See Lord *Coke*'s Remarks on the Speech, in his Pref. to 4 Report.—☞ The ſame Propoſal was made in a Speech by Sir *Francis Bacon*, Lord Keeper in Queen *Elizabeth*'s Time—And again, in an Addreſs to the long Parliament.

[h] See Mr *Cay*'s Preface,—and Mr. Serjeant *Hawkins*, upon the Statute of 44 *H.* 3. Vol. 7. fol. 622. Appendix, No. 1.

Means, it is ſaid, the Laws were kept within narrower Bounds, until they were greatly enlarged, both in Number and artificial Conſtruction, by King *Edward* I. [i].

This Method, it may be allowed, was well adapted to prevent the Statute Code from ſwelling to an inconvenient Size; but it may be worth while to conſider, whether, had this Practice been continued, it might not, in ſome Reſpects, have proved of Prejudice to Poſterity.

If, upon the Promulgation of a new Law, all former Laws thereby ſuperſeded had been conſigned to Oblivion, how many curious and uſeful Pieces of Antiquity would have been loſt; and how many Lights to Juriſprudence would have been utterly extinguiſhed! If all the Laws which have been altered or repealed by ſubſequent Acts, or which, being grown old by the Introduction of new Habits and Cuſtoms, *do not agree with the preſent State of the Times*, were to *be left out of our Statute Books*, how greatly would Poſterity be at a Loſs to account for ſeveral Inſtitutions, which are only to be explained by Reference to thoſe venerable Relicts of Antiquity!

It may be a Queſtion therefore, whether an Attempt to contract the Bulk of our Statute Code by ſuch Expedients, might not prove an Innovation more dangerous than uſeful; there being many repealed and obſolete Acts, which though they do not govern, are yet very proper to guide; as they frequently contain Matter of curious Learning, and may often ſerve the Purpoſe of hiſtorical Proof and Illuſtration.

It is indeed to be lamented, that our *Penal* Laws are ſo numerous; but perhaps this is an Inconvenience unavoidably reſulting from the wide and extenſive Concerns of a commercial Kingdom. Though a State confined within a narrow Sphere of Action, may be very vicious, yet the Modes of Vice will not there be greatly diverſified: Offences will multiply, as the Purſuits and Occupations of Mankind grow more various and diffuſive: And in a Kingdom ſo jealous of its Liberty, as to leave as little as poſſible to diſcretionary Power, every Offence muſt be preciſely deſcribed; therefore it is well obſerved by *Monteſquieu*, that the Multiplicity of our Laws is a Price we pay for our Freedom [k].

On this Occaſion, however, it may not be improper to obſerve, that our Statute Laws, with reſpect to criminal Offences, ſeem to breathe too much the

[i] The narrow Bounds of the Statutes, in thoſe early Times, were not perhaps altogether owing to the Means here ſpoken of, but to the low State of Trade and Commerce, and the little Attention paid to the Rights of publick Liberty.

[k] They who exclaim againſt the Multiplicity of our Laws, are fond of quoting the Paſſage in *Tacitus*, where he ſays, *Corruptiſſima Reſpublica, plurimæ Leges*; but they ſhould conſider that the Hiſtorian does not throw this out as a *general* Reflection, but as applicable to the *particular* Circumſtances of *Rome* during the licentious Authority of the Tribunes; when, in Contravention to the Laws of the twelve Tables, particular and partial Laws were made by the Influence of *private* Men: The twelve Tables provided that no Laws ſhould be made by private Perſons, and that no capital Puniſhments ſhould be adjudged, but at the *Comitia Centuriata*. The frequent Revolutions however among the *Romans*, rendered theſe Proviſions ineffectual; for whenever the lawleſs Attempts of an ambitious Leader prevailed, the Uſurper inſtantly commenced Legiſlator: And conſequently in this corrupt State of the Commonwealth, the Laws, as *Tacitus* obſerveth, were very numerous. See *Cicero pro Sextio*—And *Id. pro Domo ſua*.

Spirit

Spirit of *Draco*'s; all Degrees of Offence being confounded, and all Proportion of Puniſhment deſtroyed: Whence many Delinquents are, with cruel Precipitancy, hurried out of the World for ſlight Tranſgreſſions, who, by prudent and adequate Correction, might be made uſeful to themſelves and to Society.

Men bewildered in the Maze of Stoic Sophiſtry, may revolt againſt the obvious Principles of Nature, and contend for the Neceſſity of commutative Juſtice: But Reaſon evidently declares, that Puniſhments ſhould, as nearly as poſſible, bear Proportion to the Offences committed: And though this Rule cannot, in ſome Caſes, be ſtrictly adhered to, yet it ought, in general, to be the guiding Principle.

——*Adſit*
Regula, peccatis quæ pœnas irroget æquas:
Nec ſcutica dignum, horribili ſectere flagello.

Experience ſufficiently evinces, that extraordinary Severity has never produced any laſting Effect. It has indeed been ſometimes found to check the Evil for a Time, but then, as *Monteſquieu* obſerves, it has returned with the ſame Violence as before. To render the intended Effects permanent, the Laws ſhould be adapted to the Genius of the People, and the Nature of the Conſtitution. And it would be a Taſk well worthy the Wiſdom of the Legiſlature, ſo to model them that they may better anſwer the true Ends of Government, which are to prevent, rather than to puniſh Crimes[l].

Perhaps many other Amendments might likewiſe be made by legiſlative Authority; and many Irregularities in the Frame of our Statutes might be corrected without any Hazard of Inconvenience. Several Laws enlarged, explained, continued, or revived by ſubſequent Statutes, might be reduced into one Act[m]: And where various Matters, in no wiſe relative to each other, are comprized in the ſame Statute, they might be digeſted and claſſed under their proper Heads.

IN THE PRESENT EDITION, ſome Attempts have been made, which may, perhaps, in no ſmall Degree, obviate the above-mentioned Inconveniencies, reſulting from the confuſed and irregular State of our Statute Law.

Many Statutes, though obſolete or expired, are, in this Edition inſerted at Length, in their proper Order of Time, which are only abridged in the later Editions. Of this Kind are the 1ſt of *Rich.* III. *c.* 1. concerning Acts of *Ceſtui que uſe;* the 34 and 35 *Hen.* VIII. reſpecting Bankrupts; with ſeveral others which ſeem to be of Uſe to give the Reader a connective Idea of the ſucceſſive Proviſions of Law on theſe material Heads. By having the Statute at large before him, he has the Benefit of the Preamble, which, as Lord *Coke* obſerves, is

[l] Perhaps it might be ſhewn, that the preſent unequal Syſtem of our Criminal Laws is not calculated even to anſwer the End of deterring Offenders: But this would open into a Field of Argument, too wide to find Place here, and may well demand a Treatiſe of itſelf.

[m] See Preface to *Wood*'s Inſtitutes.

a good Guide to diſcover the Meaning of the Act, or rather a Key which opens to the Knowledge of it; and it is a Rule of Law that the Preamble muſt be taken for Truth. The Preamble generally ſets forth the Miſchief intended to be remedied, and, by having the Chain of Acts under his Eye, the Reader may perceive how the Remedy operated, and how it was counteracted; by which Means he will be better able to judge of the full End and Scope of the Legiſlature, with reſpect to the Subject of his Inquiry. It has been thought proper likewiſe to inſert at Length, in its proper Order, the Act of the 13 *Eliz.* for making the River *Lee* navigable; as alſo the 12 *Geo.* II. for improving its Navigation, a great deal of Property being ſecured and governed by thoſe Acts.

Concerning the Statutes in general which are repealed, obſolete, or expired, they will be carefully diſtinguiſhed by particular Marks; ſeveral obſolete Terms likewiſe will be explained: And as many repealed and obſolete [n] Acts, as hath been obſerved, contain Matter of curious Information, and frequently ſerve to explain and illuſtrate obſcure and difficult Paſſages in Hiſtory; therefore all ſuch as appear moſt uſeful in theſe Reſpects, will be printed in the Appendix; except they are in their Nature connected with ſome material Head of Inquiry, ſuch as the Act of *Ceſtui que uſe*, 1 *R.* III. *c.* 1. and others above mentioned; in which Caſe, they will be inſerted in their proper Order of Time.

With regard to the Land-tax Acts, the firſt Act will be given at large, and of the ſubſequent Statutes of the ſame Kind, Abſtracts only will be made; except where any Clauſe occurs, which varieth in Subſtance from the prior Acts: In which Caſe, ſuch Clauſe will be inſerted at length. The ſame Plan will be purſued with reſpect to the Malt-tax, and other annual Acts.

With regard to the Order of Time, in which the Acts are printed, the Editor hath adhered to the Plan of former Editions, though perhaps, in many Inſtances, the Years of the Kings Reigns are not rightly ſtyled. The Statute *de Conſpiratoribus*, for Example, is printed not only in Serjeant *Hawkins*'s and Mr. *Cay*'s, but in all the old Editions [o], as the 31 *Ed.* I. Nevertheleſs it hath been ſaid, by great

[n] The Words *Repealed* and *Obſolete* are often confounded, and indiſcriminately uſed. But an Act repealed, ſeems to imply a Statute which has loſt its Force, by virtue of a ſubſequent Act, which *directly* orders its Effect to ceaſe, over that Subject upon which it was made to operate, leaving the Subject itſelf ſtill in being: Whereas what is uſually, and perhaps improperly, called an *obſolete* Act, is that which loſes its Effect *conſequentially*, by the Annihilation of the Subject itſelf, on which alone its Power could operate. Of this Kind are all the Acts concerning feodal Tenures, they being rendered obſolete by 12 *Car.* 2. which aboliſhes the Tenures themſelves. The ſame may be ſaid of the Statutes concerning religious Houſes, in like Manner rendered obſolete by 31 *Hen.* 8. for the Diſſolution of Monaſteries, *&c.* In theſe Inſtances, the Statutes of *Charles* the Second, and *Henry* the Eighth, do not formally repeal the Feodal and Monaſtic Laws, but render them obſolete by deſtroying the Subjects themſelves, over which alone their Force could extend. Where the Subject is deſtroyed, the Adjunct drops of courſe. It may be proper to obſerve, however, that though the Editor has retained the Word *Obſolete*, which has been uſed in all former Editions, yet he apprehends that it would be more accurate to ſay that theſe Laws were *Superſeded*; ſince no Law, in our Conſtitution, can be properly termed *Obſolete*.

[o] It is ſo printed in *Berthelet*'s Edit. 1543—Likewiſe in *Raſtall*'s Abr. 1583—Alſo in *Pulton*'s Kalendar, 1617—And laſtly, in *Raſtall*'s Statutes at Large, 1618.

Authorities,

Authorities, to have been made in the 21ſt [p]. Many Statutes likewiſe paſſed in a Seſſions which began one Year, and continued to another, are ſtyled Acts of both Years, which in Strictneſs perhaps ſhould have been ſtyled Acts of the firſt Year only. All Statutes refer to the firſt Day of the Seſſion, unleſs it is otherwiſe provided by the Act [q]. Upon this Principle, it hath been held by the Court, with reſpect to the 22 and 23 *Car.* II. *c.* 20. that the printed Statute is falſe, and that it was an Act of the 22d *Car.* II. For, though the Seſſion extended into both Years, yet it commenced the 24th *October*, 22d *Car.* II. conſequently was an Act of that Year [r]. The Editor, however, has rather choſen to adhere to the Style which has been ſo long in Uſe, that it may be deemed *communis Error*, than take upon himſelf the Charge of rectifying ſuch Inaccuracies.

Here it may not be improper to take notice, that many Statutes printed in former Editions, and continued in this, have been held, by Writers of great Name, not to be of Record. Of theſe, the Reader will find a long Liſt in *Coke*'s 4 Inſt. *c.* 1. *Hale*'s Hiſt. of the Common Law, and the Table to *Cotton*'s Abridgement. Moſt of them however have, by the Diligence of later Inquirers, been found to be upon Record.

With reſpect to thoſe mentioned by Sir *Edward Coke* [s], *Prynne* obſerves, that all of them, excepting the firſt concerning the Judges Oath, though not to be found on the Parliament Rolls of the reſpective Kings, are yet to be ſeen at large on the Statute Rolls of theſe Years: And indeed they are all, except the Judges Oath, printed in Mr. *Cay*'s Edition, *ex Rot. in Turr. Lond.* Concerning the Judges Oath, *Prynne* remarks farther, that it was not printed *in* but *before* the Parliament: And from ſeveral ſubſequent Statutes, which take notice of this Oath, he preſumes, not without Reaſon, that it was of Record, though not now to be found.

As to the Acts mentioned by Sir *Matthew Hale*, he admits, with his uſual Candour and Caution, that they are not of Record, *that he knows of*: And, from

[p] See 2 Inſt. 562—and *Holt*'s Argument. *Savil* verſ. *Roberts*, 1 Ld. *Raymond* 378.

[q] See 4 Inſt. 25.

[r] It may not be improper to add that the Courts at *Weſtminſter* are bound to take notice of the Beginning of all Parliaments. But they take no Notice of Adjournments, though heretofore Adjournments and Prorogations were conſidered as the ſame Thing: And it was ſaid by *Treby* Chief Juſtice, in the Caſe of *Birt* and *Rothwell*, that the Word *Prorogation* was not found upon the Rolls, till the Time of *Edward* the Fourth (1). Their Effects however are, at this Day, eſſentially different. See *Birt*, *qui tam* verſ. *Rothwell*. 1 Lord *Raym.* 210 and 343.

[s] 20 *Ed.* 3. (*N. B.* It is printed as the 18 in the Stat. Books.) 27 *Ed.* 3. *c.* 4, 5, 6, 7, & 8. (*N. B. Cotton* ſays nothing of the 4th *Cap.*) 37 *Ed.* 3. *c.* 7 & 19. 2 *R.* 2. Stat. 1. *c.* 5. 2 *R.* 2. Stat. 2. *c.* 3. 7 *R.* 2. *c.* 15. 19 *R.* 2. *c.* 3. (*N. B. Cotton* adds *c.* 4 & 5.) 11 *R.* 2. *c.* 4, 5, & 6. 13 *R.* 2. Stat. 1. *c.* 11, 15, 19, & 20. 14 *R.* 2. *c.* 7. 17 *R.* 2. *c.* 8 & 9. 27 *H.* 6. *c.* 3. ☞ Moſt of the Acts in this Liſt are to be found in the Table to *Cotton*'s Abr. But *Cotton* mentions farther 15 *R.* 2. *c.* 9 & 12. 16 *R.* 2. *c.* 1. (And, according to him, *c.* 5. concerning Præmunire, does not agree with the Record.) 8 *H.* 6. *c.* 28 & 29. and 18 *H.* 6. *c.* 3. But theſe likewiſe are of Record, and are printed *ex Rot. in Turr. Lond.*

(1) In this Point, the learned Judge appears to have concluded too haſtily; for we meet with the Word *Prorogation* on the Rolls of the *eighth* of *Hen.* 6. See *Rot.* Parl. 8 *Hen.* 6. *nu.* 16.

the

the Note underneath [t], the Reader will perceive, that the learned Judge had good Reaſon to ſpeak with Diffidence. Nevertheleſs, it is no Impeachment of the Validity of an antient Statute, that it is not to be found upon Record: And it has been held, that *nul tiel Record* cannot be pleaded to the Allegation of any ſuch Statute: For an Act of Parliament made within Time of Memory, loſeth not its Force, becauſe not extant on Record: Since, of general Acts of Parliament, the Courts of Common Law are bound to take notice without pleading of them; and ſuch Acts ſhall never be put to be tried by the Record, upon an Iſſue of *nul tiel Record*, but they ſhall be tried by the Court, who are to uſe, for their Information, antient Copies, Tranſcripts, Books, Pleadings, and Memorials: For, if the Authority of a Publick Statute could not be maintained without the Original Record, it would be in the Power of any one, who could deſtroy ſuch Record, in Effect to repeal the Statute itſelf. Therefore ſuch Defects are ſalved by traditional and univerſal Reception.

As there are ſome Statutes however in Print, which are not to be found upon Record, ſo there are ſeveral upon Record, which have never yet been printed. Lord *Coke* has enumerated many of this Kind [u]; but the Reader will meet with ſeveral in the Appendix to this Edition, not taken notice of by his Lordſhip, or, to the Editor's Knowledge, by any other Perſon whatever; of which ſome contain Matter of great Uſe, as well as Curioſity.

It now remains to ſay ſomething with regard to the Tranſlation. It has been obſerved by Mr. Serjeant *Hawkins*, that the old Tranſlation hath obtained a Kind of

[t] The Statutes of *Merton*, *Marlbridge*, *Weſt.* 1. *Explanatio Statuti Glouceſtriæ*, *De Champertio*, *De Viſu Frankplegii*, *De Pane & Cerviſia*, Articuli Inquiſitionis ſuper Stat. de Winton, *Circumſpecte agatis*, *De Diſtrictione Scaccarii*, *De Conſpirationibus*, *De Vocatis ad Warrant'*, *Statut. de Carliol*, *De Prerogativa Regis*, *De Modo faciendi Homag'*, *De Wardis & Releviis*, *Dies Communes in Banco*, Stat. de Bigamis, Dies Communes in Banco in Caſu conſimili, STAT. HIBERNIÆ, DE QUO WARRANTO, *De Eſſoin calumpniand'*, *Judicium Colliſtrigii*, *De frangentibus Priſonar'*, *De Malefactoribus in Parcis*, *De Conſultationibus*, *De Officio Coronatoris*, *De Protectionibus*, *Sententia lata ſuper Chartas*, *Modus levandi Fines*, *Statut. de Gavelet*, DE MILITIBUS, *De Vaſto*, *De Anno Biſſextili*, *De Appellatis*, *De Extenta Manerii*, Compoſitio Menſearum, vel Computatio Menſarum, *Stat. de quo Warranto*, *Ordinatio de Inquiſitionibus*, *Ordinatio de Foreſta*, *De Admenſura Terræ* (1), De Dimiſſione Denarior', *Stat. de quo Warranto Novum*, Ne Rector proſternat Arbores in Cœmeterio, *Conſuetudines & Aſſiſa de Foreſta*, *Compoſitio de Ponderibus*, De Tallagio, De Viſu Terræ & Servitio Regis, *Compoſitio Ulnarum & Perticarum*, De Terris amortizandis, Dictum de Kenelworth, *&c.* ☞ The Acts diſtinguiſhed by Capitals, are printed *Ex Rot. in Turr. Lond.*—Thoſe in *Italicks*, *Ex Cotton* MS.—The reſt are from old MSS.

[u] 11 *Ed.* 3. for the Creation of the Duke of *Cornwall*, by Authority of Parliament. *(The Parliament Rolls of this Year are loſt, but this was held to be a Statute in the Prince's Caſe*, 8 *Rep.)*—3 *R.* 2. *nu.* 39. concerning Juſtices of the Peace. *(N. B. There being no ſuch Number, this is probably intended for* 2 R. 2. nu. 62. *for allowing* Fees *to Juſtices of the Peace; which Conjecture is the more probable, ſince his Lordſhip adds, that the Act he mentions was a profitable Law for the Juſtices.)* 8 *R.* 2. *nu.* 31. of the Juriſdiction of Conſtable and Marſhal. *(N. B. This hath been ſince printed.)*—20 *R.* 2. *nu.* 29. for legitimating the Children of *John* Duke of *Lancaſter*.—5 *H.* 4. *nu.* 24. for muſtering of Men. *(N. B. This hath been ſince printed.)*—8 *H.* 4. *nu.* 36. exempting Clergy from muſtering Men.—11 *H.* 4. *nu.* 28. againſt Bribery and Brocage in great Officers, Judges, *&c.*—11 *H.* 4. *nu.* 63. concerning Attornies.—6 *H.* 6. *nu.* 27. that no Man ſhall marry any Queen of *England*, without the King's Licence. *(N. B. The Biſhops gave a conditional Aſſent to this Bill*, i. e. *ſo far as the ſame did not ſwerve from the Law of God, and ſo as the ſame imported no deadly Sin.)*—9 *H.* 6. *nu.* 24. concerning Fees of King's Council and other head Officers, *&c.*

(1) The Act De Admenſura Terræ has been held to be a Stat. See 2 Inſt. 737. 1 Lord *Raym.* 638. But ſee *Croke James* 603. *contra.*

preſcriptive Authority: And, he adds, that it is eaſy for the Reader to correct the Miſtakes in it, by the Help of the Original. But, with Deference to the Serjeant's Sentiment in this Reſpect, it muſt be obſerved, that the Tranſlation is intended for the Benefit of thoſe who are not qualified to reſort to the Original; therefore the Editor hath ventured to correct ſuch Miſtakes as were moſt obvious in the old Tranſlation, and hath endeavoured throughout to make it more conformable to the Original. In the early Statutes, the Errors of the Verſion are exceedingly numerous, more particularly in the Statute *de Officio Coronatoris*. In many others likewiſe, the Reader will perceive frequent, and very material Miſtakes. Nevertheleſs, as it might juſtly be deemed Preſumption to alter the old Tranſlation, which, by long Uſe, hath acquired a Kind of preſcriptive Authority, it hath been judged proper to leave the Text, as it ſtands in former Editions, and to inſert the propoſed Amendment in the Margin, whereby the learned Reader will be able to determine for himſelf, and may either adopt or reject the marginal Alteration, as his better Judgment ſhall direct him.

The Editor hath obſerved the ſame Method throughout; having every where left the Text, as it is printed in the laſt Edition, and inſerted in the Margin ſuch Alterations and Additions as he hath thought proper to make, which are diſtinguiſhed by an *Italick* Type. He rather choſe to adopt this Plan, that the Errors and Inaccuracies, which may have eſcaped from his Pen, may be more open to Detection.

In the fourth Section of the 18 *Ed.* I. *ſtat.* 4. there is an Error in the Tranſlation which runs through all the Editions now extant; wherein the Conuſors are made to acknowledge the Manor of *B.* with the Appurtenances, to be the Right of *our Lord the King*, which he hath of their Gift, *&c.* Whereas it ought to be that the Conuſors acknowledge the Manor, *&c.* to be the Right of *R.* that is, of *Sir Robert* the Conuſee.——By this Statute, which preſcribes the Method of paſſing Fines, the firſt Thing to be done is for the Pleader to aſk of the Juſtice *Conge de accorder*, or Licence to agree. To which the Juſtice anſwers, naming one of the Parties, *What will Sir* R. *give*[x] *?* (that is, what will he pay for the Fine to the King?) "*Then when they be agreed of the Sum of Money that muſt be given* "*to the King, the Juſtice ſhall ſay, Cry the Peace: And after the Pleader ſhall* "*ſay, Inſomuch as Peace is licenſed unto you, that* W. S. *and* A. *his Wife (the* "*Conuſors), that here be, do acknowledge the Manor of* B. *with the Appurts, to* "*be the Right of* R. *(the Conuſee) which he hath of their Gift.*" Now there can be no Pretence to ſuppoſe the King's Right to the Premiſes to be acknowledged in

[x] In the old Editions it is printed, *What ſaith Sir R.?* which is not reconcilable with any Meaning whatever. This groſs Inaccuracy was corrected by Mr. *Cay*, who altered it to *Who will give?* and his Correction is retained in the Margin of the preſent Edition. But on farther Conſideration, it is ſubmitted to the Reader's Judgment, whether the above Tranſlation WHAT *will Sir R. give?* is not nearer to the true Senſe. In the Original *French* it is to be obſerved, that the Pronoun relative *que* is uſed, *Que donera Sir R.?* but if we render it *Who will give?* it ſhould be the Pronoun perſonal *qui*. There is another Circumſtance in favour of this Tranſlation, which is that the Verb *nomera* in grammatical Order, refers to the Juſtice who names the Party, and not (as Lord *Coke* ſuppoſes) to the Pleader or Serjeant; who muſt name him if the Queſtion ſtands *who?* Beſide, the Queſtion *What will Sir Robert give?* ſeems more naturally to precede the next Section; which ſuppoſes the Sum given to be agreed on, in conſequence of that Queſtion: And it may be added, that this is the Queſtion now aſked on acknowledging a Fine at Bar.

this Place, for it is evident the King here can have no Claim but for the Fine upon the Licence which is called *Finis pro Licentia concordandi*[y]: And the Foundation of this Claim to the Fine is, that by reaſon of the Concord between the Parties, the King loſeth the Fines or Amerciaments upon the Judgement or Nonſuit, with other Advantages. As the Act ſtands in the old Tranſlations, it is wholly unintelligible; and it is the more neceſſary to ſtate it in a perſpicuous Light, as it is of great Uſe, not only in explaining the ſubſequent Acts of *Henry* the VIIth and *Henry* the VIIIth, &c. but alſo toward enabling the Student to form a right Underſtanding of the preſent Method of acknowledging Fines at Bar.

Here likewiſe may be noted a material Error in the 31 *Eliz. c.* 7.[z] againſt the erecting and maintaining Cottages, *which is corrected by a marginal Note.* In the later Editions it is ſaid that no Cottage ſhall be built, &c. unleſs the Cottager do lay to the ſame four Acres of Ground at the leaſt, being his or her own Freehold *or* Inheritance, lying near the ſame Cottage, &c. But in *Raſtal* and other old Editions, and likewiſe in 2 *Inſt.* the Words are "his or her own Freehold *and* "Inheritance;" and upon examining the Record they appear to be right.

The Miſtake of printing this Clauſe in the *Disjunctive* might probably influence a late Adjudication in the Caſe of the King againſt *Savory*, which was to this Effect: The Biſhop of *Norwich* demiſed to *Savory* eighty Acres, to hold to him and his Heirs for *three Lives: Savory* erected a Cottage on the Land, and was indicted for having erected the ſame without having laid thereto four Acres of his own Freehold *and* Inheritance: but the later Editions being referred to, where the Words are in the *Disjunctive*, the Court held that the Defendant had complied with the Terms of the Statute; and he was accordingly acquitted. Taking the Clauſe however in the *Copulative*, as it ſtands in the Record, it ſhould ſeem, according to Lord *Coke*'s Comment, that "neither Grounds holden by Copy, "*or for Life or Lives*, or for any Number of Years, will ſerve."

A Miſtake of a ſimilar Nature runs through all the Editions in the 6 *Geo.* 1. *c.* 23. § 7. where, inſtead of the Words order *or* contract, it ſhould ſtand order *and* contract. An Error which makes a very material Variation in the Senſe.

In the 2 *Geo.* 3. *c.* 25. *for naturalizing foreign Proteſtants*, there is a Reference, in Sect. 2. to an Act made in the fourth of *George* the *Firſt*, whereas the Act referred to, was made in the fourth of *George* the *Second*. Theſe however are not Errors of the Preſs, the Editor having carefully conſulted the Parliament Rolls, wherewith the printed Statute correſponds. He therefore thought it did not become him to correct theſe Miſtakes in the Text.

[y] This Fine *pro Licentia concordandi*, is ſometimes called the *King's Silver*, and the *poſt Fine*. It is called the *poſt Fine* in contradiſtinction from the *primer Fine*, or Preſine in the Hamper; for in every Real Action of Lands and Tenements of the yearly Value of five Marks, there is due upon the Original, for every five Marks, 6*s.* 8*d.* to the Hamper or Haniper: And a Writ of Covenant is held to be a real Writ for which ſuch Fine is paid. But the *poſt Fine* is not due until the *Conge d'accorder* or Licence to agree be granted by the Court, and it amounts to as much as the primer Fine, and half as much more. 2 *Inſt.* 511.

[z] The Stat. 31 *Eliz. c.* 7. is repealed by 15 *Geo.* 3. *c.* 32. R.

WITH regard to the Acts printed ſeparately in the *Appendix*, the firſt which appears moſt worthy of Obſervation is the famous *Dictum de Kenelworth*, made in the 51 of *Henry* III. containing the Award made between the King and his Commons, which affords a ſtriking Picture of the miſerable State of Government among our feudal Anceſtors. The Intent of this *Award*, for it ſeems to be improperly called a *Statute*, was apparently to quiet thoſe who feared to be diſinherited, on account of the Part they took againſt the King in the Civil Wars, and to aſcertain what the Offenders were to pay for their Ranſom. Among the reſt we meet with the following curious Clauſe, the Purport of which is, that "Knights and Eſquires who were Robbers, and among the principal Robbers in "Wars and Plunderings, if they have no Lands, but have Goods, ſhall pay Half "of their Goods for their Redemption; and find ſufficient Sureties henceforth[a] "to keep the Peace of the King and the Kingdom." How deplorable muſt have been the Poverty of theſe Times, and the Weakneſs of civil Inſtitutions!

The next Act which merits particular Notice, is the Statute of 16 *Edw.* II. revoking an Eſtabliſhment of the Houſehold, as being too reſtrictive on his Majeſty, and againſt the Dignity of his Crown. The Eſtabliſhment hereby revoked was made in the 3d of *Edw.* II. in Eaſe of the People oppreſſed with Purveyance; and about this Time the King's Houſe was new formed, and every Officer's Charge and Salary was limited[b]. In theſe early Times the King's Houſehold was frequently reformed at the Petition of the People. It underwent a Reformation in 36 *Edw.* III. and again in the 1ſt of *Richard* II. Such Liberties were taken with that weak Prince, that a Commiſſion[c] was granted, at the Petition of the Commons, to ſurvey and abate the Houſehold, which not having the deſired Effect, the Commons ſoon after petitioned that the exceſſive Number of his menial Servants might be reduced, and that his Houſehold might not exceed the ordinary Revenues of the Realm. In the 4th of *Hen.* IV. likewiſe a Reformation was made in the Houſehold, whereby the Charge was limited to 1600 Marks. And *Edw.* the IVth, in the twelfth Year of his Reign, ſettled a new Form, which, as Sir *Robert Cotton* ſaith, is extant in many Hands, intitled, *Ordinances for the King's Houſe*. This Book, he tells us, was amended by Cardinal *Wolſey*, and was, in the Time of this great Antiquarian, the Groundwork of the then Eſtabliſhment. He obſerves, however, that it was much corrupted, and propoſes either to put down the Tables, and leave all Attendants to Allowance of Money, or elſe by reſtoring the Hall again, to reduce the Houſehold to the moſt magnificent Order. So all Things, he adds, being ſpent in Publick, will be to the King's Honour, and ſecret Waſte will be prevented. For he concludes, that every Back-door in the Court coſts the King 2000*l.* yearly.

[a] The Words in the Latin are, *quod amodo pacem ſervabunt, &c.* The Word *amodo* is an obſolete Adverb, which ſignifies *henceforth*: And in the marginal Note, the Reader will perceive that a groſs Error has intervened; for inſtead of diſtinguiſhing it as an Adverb, according to the Editor's Intention, it ſtands altered to *quoadmodo*, a Word not to be found in the Language.

[b] *Cotton*'s Poſt. 166.

[c] This Commiſſion is printed in the *Appendix*, p. 46.

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It is to be obſerved likewiſe, that to eaſe the Charge of the King's Houſehold, the Queens in former Times have allowed a Portion of their Jointure adequate to their own Expence: And, among others, the Queen of *Henry* VI. allowed 2000*l.* a Year out of her Jointure for this Purpoſe [d].

In this Place likewiſe the famous Statute of the 4th of *Hen.* VII. *c.* 19. inflicting the Penalty for decaying of Houſes of Huſbandry, or not laying of convenient Land for the Maintenance of the ſame, deſerves particular Attention. About this Time, ſays Lord *Bacon* [e], Incloſures began to be frequent, whereby arable Land, which could not be manured without many Hands, was turned into Paſture, which was eaſily managed by a few Herdſmen; and the Tenancies for Years, Lives, and at Will, on which moſt of the Yeomanry ſubſiſted, were turned into Demeſnes. This bred a Decay of People, and, by conſequence, a Decay of Towns, Churches, Tythes, and the like. This, in the End, was attended with a Diminution of Subſidies and Taxes: For the more Gentry, the lower is the Book of Subſidies. To remedy this Inconvenience, the Legiſlature deviſed a very prudent Expedient. They did not abſolutely forbid Incloſures, for that would have been forbidding Men to improve their Patrimony: Neither did they compel Tillage, for that would have been to ſtrive againſt Nature: But they took a Midway, which redreſſed the Grievance by way of Conſequence: For they enacted, "That all Houſes of Huſbandry, which were uſed with twenty Acres "of Ground and upward, ſhould be maintained and kept up for ever, together "with a competent Proportion of Land to be uſed and occupied with them." By this Means the Houſes being kept up, did of neceſſity enforce Inhabitants; and the Proportion of Land to be occupied with them, did require ſuch Inhabitant to be a Man of Subſtance, who might keep Servants, and contribute to the Improvement of Agriculture. This tended greatly to increaſe the military Strength of the Nation; as by Means of theſe Farms, a great Part of the Lands of the Kingdom were thrown into the Hands of the Yeomanry or middle People, who were of a Condition between Gentlemen and Peaſants, and made excellent Infantry [f]. *Harrington* and other political Writers, very juſtly conſider this Act among the principal Cauſes which concurred to throw the Power into the Hands of the People. Indeed it was the ruling Policy of this Prince, to raiſe the Commons by depreſſing the Nobility. With this View were the Statutes made againſt Retainers, which deprived the Lords of their Dependants, being moſtly young Gentlemen of Family, who made excellent Horſemen. Thus, as by theſe Laws the Nobility loſt their Cavalry, ſo by the Statute before mentioned, they were alſo deprived of their Infantry: And the Weight of both was thereby thrown into the popular Scale.

We proceed, in chronological Order, to the memorable Act of the 4th of *Hen.* VIII. *c.* 8. concerning *Richard Strode*. This has been marked, both by

[d] *Cotton*'s Poſt. 168.

[e] Lord *Bacon*, Vol. II. p. 294.

[f] It is ſubmitted to publick Conſideration, whether ſome Proviſion is not requiſite at this Time, to prevent the engroſſing of large Farms into one Hand: For though it may be more for the preſent Eaſe and Benefit of the Landlord to have one overgrown opulent Tenant, than to have ſeveral of moderate Circumſtances; yet ſuch a monopolizing of Farms ſeems to have a manifeſt Tendency to depopulate the Kingdom.

Mr.

Mr. *Hawkins* and Mr. *Cay*, as a private Act. Nevertheleſs it has been by great Authorities conſidered as a general Law. Lord *Coke* ſays, that the latter Branch of the ſecond Clauſe is general, and declaratory of the antient Law and Cuſtom of Parliament [g]; and this Opinion is ſupported by the following Reſolution of the Houſe of Lords:

" Reſolved, *&c.* that the Act of Parliament 4 *Hen.* VIII. commonly intitled, ' An Act concerning *Richard Stroud*,' " is a general Law, extending to indem- " nify all and every of the Members of both Houſes of Parliament, in all Par- " liaments, touching any Bills, ſpeaking, reaſoning, and declaring, of any Matter " or Matters concerning the Parliament to be communed and treated of, and is " a declaratory Law of the antient and neceſſary Rights and Privileges of Par- " liament [h]." The Commons likewiſe, on the Conſideration of this Act, held, that whatever concerns Privilege of Parliament, muſt be a general Law [i].

But with regard to Lord *Coke*, it muſt be obſerved, that he has miſquoted the Words of the Statute. He ſays, it is enacted, That " all Suits, *&c.* from that " Time and thenceforth, to be put and had upon *any Member*, *either of that* " *preſent Parliament*, or *at any Parliament at any Time after* that Act to be " holden, for any Bills, ſpeaking, reaſoning, or declaring, of any Matter or " Matters concerning the Parliament to be communed or treated of, be utterly " void, *&c.*" Now the Words of the Act are, That " all Suits, *&c.* put or had, " or hereafter to be put or had unto or upon the ſaid *Richard*, and to *every other* " *of the Perſon or Perſons above ſpecified*, that now be of this preſent Parliament, " or that of any Parliament thereafter, ſhall be, *&c.*"

This Act, it muſt be confeſſed, is not very accurately worded. But the Proviſion of the foregoing Clauſe is evidently retroſpective, and by grammatical Conſtruction ſeems confined to *Richard Strode*, *and to every other of the Perſon or Perſons* ABOVE SPECIFIED; that is, to the Perſons who agreed with him in bringing in certain Bills to Parliament concerning the Tinners, which made him obnoxious to the Stannary Court, by the Authority of which he was condemned and impriſoned, *&c.*

It is true that the Words, " or that of any Parliament thereafter, ſhall be, *&c.*" do ſeem to intend a general Import: But to make the Clauſe general, ſomething muſt be ſupplied, and it muſt be amplified thus——That all ſuch Suits, *&c.* put upon the ſaid *Richard*, and every other of the Perſon or Perſons before ſpecified, or *hereafter to be put on any other Member or Members*, *that now be*, *or hereafter ſhall be*, &c.

It is to be obſerved likewiſe, that it was conſidered in a reſtrictive Senſe by the Judges in the 5 of *Car.* I. to whom a Queſtion was propounded by the Attorney General upon this Act, and they reſolved that this Statute " was a *particular* Act

[g] 4 Inſt. 9.

[h] See the Lords Journal, *Die Mercurii*, 1667.

[i] See *Grey*'s Parl. Debates, 38.

" of

"of Parliament, and extended only to *Richard Strode* and to thoſe Perſons that "had joined with him to prefer a Bill to the Houſe of Commons concerning the "Tinners:" But they added; "That although the Act be *private*, and extendeth "to them *alone*, yet it was no more than all other Parliament Men, by Privilege "of Houſe, *ought to have*, *&c.*" *viz.* Freedom of Speech concerning the Matters debated in Parliament, *in a parliamentary Courſe* [k].

With regard to the Reſolutions of the two Houſes, it muſt be remembered that they were formed *flagrante ira*, on occaſion of the Debate concerning the arbitrary Proceedings againſt Sir *John Elliot*, *Denzill Hollis*, &c. A Time when the Conteſts between *Privilege* and *Prerogative* were carried to the moſt deſperate Extremes; and when many unwarrantable Claims were aſſerted on each Side, and endeavoured to be ſupported by ſtraining and perverting every Kind of Evidence which could give Colour to unjuſtifiable Concluſions.

This Point, however, concerning the Freedom of parliamentary Debate, was happily adjuſted at the late Revolution: And it is declared by the Bill of Rights—"That the Freedom of Speech, and Debates or Proceedings in Parlia-"ment, ought not to be impeached or queſtioned in any Court or Place out of "Parliament."

Particular Notice likewiſe is due to the 28th *Hen.* VIII. *c.* 7. concerning the Succeſſion of the Crown: This is not inſerted in the Edition of Serjeant *Hawkins*, or Mr. *Cay*. They both conſider it as repealed by 1 *Mary*, *Seſſ.* 2. *c.* 1. which is alſo printed in this *Appendix*, Page 117. But the Serjeant has added, that it is revived by 1 *Eliz. c.* 1. Dr. *Gibſon* likewiſe ſpeaks of it as repealed [l], but in the Caſe of *Harriſon* and *Burwell* [m], *Vaughan* argues on a Suppoſition of its being unrepealed. Suppoſing it however to be repealed by 1 *Mary*, *Seſſ.* 2. *c.* 1. it does not appear to be revived by 1 *Eliz. c.* 1. as the Serjeant ſuppoſes. But indeed it may very well be doubted whether it be wholly repealed by the Statute of *Mary*: For after reciting the 25 and 28 of *Hen.* it is by the third Clauſe of that Statute enacted, "That as well the ſaid Act of Parliament, intituled, *An Act* "*declaring the Eſtabliſhment of the Succeſſion*, &c. made in the 25th Year of your "Father, be repealed, *as alſo* all and every *ſuch Clauſes*, *Articles*, *Branches*, and "*Matters*, contained and expreſſed in the aforeſaid Act of Parliament, made in "the ſaid 28th Year, or in any other Act or Acts of Parliament, *as whereby* "*your Highneſs is declared to be illegitimate*, &c. ſhall be repealed." Hereby the Act of the 25th is wholly repealed, and the Act of the 28th ſeems to be no farther repealed, than with reſpect to thoſe Clauſes which declare the Illegitimacy of *Mary*. Therefore it may reaſonably be ſuppoſed to ſtand in force as to other Points which do not regard that Subject; and it contains ſome Clauſes concerning the Degrees of Marriage prohibited by God's Law, and againſt the Power of diſpenſing with Marriages within ſuch Degrees, which are well worthy of Obſervation. It is happy for the Cauſe of Religion and Liberty, that this Prince found the Pope refractory. Had the Pope favoured *Henry*'s Inconſtancy, he pro-

[k] See *Ruſhworth*'s Collections, 662. [l] *Burn*'s Eccleſiaſtical Law, Vol. II. p. 5. [m] 2 Vent. 9.

bably

bably would never have diſputed the Validity of his Holineſs's Diſpenſations. For that he had no Averſion to Papiſtical Tenets, may be collected from the ſucceeding Act in this *Appendix*, *viz.*

The 31 *Hen.* VIII. *c.* 14. " For aboliſhing Diverſity of Opinions in certain " Articles concerning Chriſtian Religion." This and ſome other very ſingular Acts of this Reign, ſeem to be levelled more againſt the *Pope* than againſt *Popery*. By this Act it is moſt ſolemnly reſolved and agreed, that *Prieſts may not marry*, and that *private Maſſes*, and *auricular Confeſſion*, are expedient, and neceſſary to be retained; with other extraordinary Reſolutions, which it is made Felony without Clergy to contradict.

Of a Piece with theſe Reſolutions, are ſeveral Clauſes of this Act, which confound all Degrees of Offence, and all Diſtinctions of Morality. By the 8th Clauſe it is enacted, " That if any Prieſt keep or uſe any Woman, to whom he " is, or hath been *married*, or with whom he hath contracted Matrimony; every " ſuch carnal Uſe, open Converſation, *&c.* ſhall be adjudged Felony, as well " againſt the Man as againſt the Woman." But,

By the 9th Clauſe it is enacted, " That if any Prieſt do carnally uſe, and ac- " cuſtom any Woman, or keep her as his *Concubine*, as by paying for her Board, " maintaining her with Money, Array, or any Gifts, *&c.* that then he ſhall " forfeit all his Goods, Chattels, and Benefices, *&c.* and ſuffer Impriſonment: " And offending after Conviction, ſhall be adjudged guilty of Felony."

Thus we find that a Prieſt cohabiting with a *Wife* [the *Malum Prohibitum* by this Statute] was deemed guilty of Felony in the *firſt* Inſtance: Whereas by cohabiting with a *Concubine*, he only incurred the Forfeiture of Goods and Impriſonment for the firſt Offence; and was not deemed guilty of Felony until the *ſecond*. So that an Offence againſt the Reſolutions of the Convocation and Parliament was deemed of a more heinous Nature, than a Violation of the Laws of Religion and Morality.

We now come to the Conſideration of the Firſt of *Edward* VI. for the Puniſhment of Vagabonds, and for the Relief of poor and impotent Perſons. The Preamble recites, " That idle and vagabond Perſons, being unprofitable Members, " or rather Enemies of the Commonwealth, have been ſuffered to remain and " increaſe, whom, *if they ſhould be puniſhed with* DEATH, *Whipping*, *Impriſon-* " *ment*, and other corporal Pain, it were not without their Deſerts, for the Ex- " ample of others." Having in this Manner declared, that theſe wretched Vagabonds deſerved Death, *&c.* (though their Idleneſs was probably more the Fault of the State than of themſelves), the enacting Part of this ſevere Statute was doubtleſs deemed merciful: For it only enacts, that the Offender there deſcribed to be an idle Perſon, ſhall be taken before a Juſtice of Peace, who ſhall cauſe him to be marked with a hot Iron in the Breaſt, the Mark *V*, and adjudge him to be a *Slave* to the Perſon preſenting him, for two Years, to be fed with Bread and Water, and be put to Work (how vile ſoever it be) by beating, chaining,

ing, &c. and if he runs away, the Juſtice, on Conviction, ſhall cauſe ſuch Slave to be marked on the Forehead, or Ball of the Cheek, with the Sign of an *S*, and ſhall farther adjudge him to be his Maſter's Slave *for ever:* And if he again run away, he ſhall ſuffer Death as a Felon. There is likewiſe a Proviſo in this Act, by which they might be ſold or bequeathed by Will, as any other moveable Goods or Chattels. By the 39 *Eliz. c.* 4. alſo printed in this Appendix, they were to be whipped until their Bodies were bloody, or to be baniſhed the Kingdom, or adjudged perpetually to the *Gallies* of the Realm.

The Editor, however, is ſenſible that the Inhumanity of theſe Laws will admit of ſome Palliation, when we conſider the Time when they were made, which was ſoon after the Diſſolution of the religious Houſes, which afforded an Aſylum for all poor and impotent People. When theſe therefore were ſet at large, without the Means of gaining a Livelihood, and deſtitute of any Retreat where they might hope for a Proviſion, the Miſchief to be apprehended from Vagrants muſt certainly have been very alarming.

What next claims our Obſervation is the memorable Act of 13 *Car.* 2. *c.* 33. intitled, 'An Act for preventing Abuſes, in printing ſeditious, treaſonable, and 'unlicenſed Books and Pamphlets; and for regulating Printing and Printing 'Preſſes.' By this Act Printers are forbidden to publiſh any *heretical*, *ſeditious*, *ſchiſmatical*, or OFFENSIVE [o] Books, and all Books and Pamphlets are to be licenſed by particular Licenſers appointed according to the Nature of the Subject, and the Number of Printing Preſſes are hereby limited.

The Troubles which had ſubſiſted in the late Reign, had given birth to a free Spirit of political Inquiry, which this Statute was calculated to ſuppreſs: And it is obſervable, that this Act is founded on a Decree of the *Star Chamber* [p], made in the Year 1637, which it copies without any material Variation, except, that by the Decree, Offenders are to be puniſhed as by the *Honourable Court of Star Chamber, or the High Commiſſion Court, ſhall be thought fit;* whereas by the Act they are to be puniſhed by Diſability to exerciſe their Profeſſion, and ſuch farther Puniſhment, not extending to Life or Limb, as the *Juſtices of the King's Bench* or of *Oyer* and *Terminer*, &c. ſhall think fit. It is remarkable alſo, that the Preamble to this Decree of the Star Chamber takes notice of divers Decrees and Ordinances made for regulating Printers and Printing in the Reign of Queen *Elizabeth*, which are ſaid to have been defective in ſome Particulars. From hence we may ſee what early Attempts were made to reſtrain this invaluable Liberty. So intolerant is the Nature of Power, wherever lodged, that they who have loudeſt exclaimed againſt ſuch Reſtriction as a Badge of Slavery, were no ſooner inveſted with full Sway, than they began to work on the ſame Principles of Oppreſſion. About the Year 1644, the Parliament made Ordinances for reſtraining

[o] The Word OFFENSIVE is a Word of dangerous Latitude: But the Words are copied *literatim* from the Star Chamber Decree, of which Mention will be made hereafter.

[p] This Decree is ſo ſcarce, that it is imagined there is only one Copy extant, which is preſerved in a private Library.

the Preſs, which were framed on the Plan of the above Star Chamber Decree; and againſt which *Milton* publiſhed a Treatiſe, called *Areopagitica* [q].

This Act was laſt continued by 1 *Jac.* 2. *c.* 17. for ſeven Years from *June* 1685; but being incompatible with the noble Principles of the Revolution, it has never ſince been, and it is to be hoped never will be, revived [r].

THE Appendix likewiſe contains ſome very curious Acts never before printed, to the Editor's Knowledge. Of theſe the firſt is, the Second of *Henry* V. for the Union of the Rights and Poſſeſſions of the Earldom of *Hereford* to the Dutchy of *Lancaſter*. Theſe Poſſeſſions of the Earl of *Hereford* deſcended to *Henry* V. as Heir to his Mother, who was the Daughter and Heireſs of *Humphrey Bohun*, Earl of *Hereford*, *Eſſex*, and *Northumberland*, and Conſtable of *England:* And without this Act the King would have been ſeiſed thereof *in Jure Coronæ*; therefore this Act was neceſſary to ſever them from the Crown, which was done by annexing them to the *Dutchy* of *Lancaſter*, which had been ſevered before.

This Act is immediately followed by 3 *Hen.* V. confirming the King's Letters Patent, reſpecting the Dutchy of *Lancaſter* and its Stewards; which provides, that the Stewards of the ſaid Dutchy ſhall be Juſtices of Peace within their Circuit; and that no Grant of any thing from the ſaid Dutchy ſhould paſs but under the uſual Seal.

For the better underſtanding theſe Statutes, it is to be obſerved with regard to the Dutchy of *Lancaſter*, that it was firſt erected into a County Palatine [s] by the 50 *Ed.* III. who honoured his Son *John* of *Gaunt* with it for the Term of his Life. It afterwards deſcended to *Henry* IV. in Right of his Mother. This politick Prince knew that his Title to the Dutchy was ſure and indefeaſible, and that he ſhould be ſeiſed thereof as King, not as Duke: He knew likewiſe, that his regal Title was unjuſtly founded, and that he held the Sceptre by a precarious Tenure; therefore, to avoid involving his patrimonial with his regal Rights, he very prudently paſſed a Charter by Authority of Parliament, by which the Poſſeſſions of the Dutchy were ſevered from the Crown; and thus it continued for

[q] There is an Edition of the *Areopagitica* publiſhed by *A. Millar* in 1738, with a ſenſible and ſpirited Preface, by Mr. *Thomſon*, Author of the Seaſons.

[r] It is impoſſible, however, on this Occaſion to avoid lamenting the many flagrant Inſtances, wherein the Liberty of the Preſs has been lately abuſed by ſuch wanton and indiſcriminate Scurrility, as tends to make publick Cenſure loſe its Effect, and render Men callous to the Stings of Reproof.

[s] Counties Palatine are certain Counties which have *Jura Regalia* for the Adminiſtration of Juſtice, *&c.* within themſelves. They are either by Preſcription, ſuch as *Cheſter*; or by Statute, as this of *Lancaſter*. Theſe Palatinates had their Foundation in good Policy; for it is reaſonably ſuppoſed, that *Lancaſter*, *Durham*, and *Cheſter* were ſo made, becauſe they were adjacent to Enemies Countries, *viz.* the two firſt to *Scotland*, and *Cheſter* to *Wales*. So that the Inhabitants having Adminiſtration of Juſtice at Home, and not being obliged to attend other Courts, thoſe Parts were not left deſtitute of Men, who might ſecure the Country from Incurſions. The Power of theſe Counties Palatine was anciently very exorbitant, but was greatly abridged by 27 *Hen.* 8. *c.* 24.

ſome

ſome Time. But it is ſaid, that the Poſſeſſions of the Duke of *Lancaſter* were not made a *Ducatus* until 2 *Hen.* V. for in the Parliament Roll of this Year, it is entered, *Quod ſigilla pro ducatu Lancaſtriæ allocentur*, and that it ſhould be governed *per miniſtros ducatus* [t].

The next memorable Statutes relative to this Dutchy, are two Acts paſſed in the 1 *Edw.* IV. being, among other Things, Acts of Forfeiture and Attainder againſt *Henry* VI. his Queen *Margaret*, and a great Number of Noblemen and Gentlemen of the *Lancaſtrian* Party. By theſe Acts the Dutchy of *Lancaſter* and the County Palatine are united, being aſſured to *Edw.* IV. and his Heirs, *Kings of England:* And this was neceſſary; for without a Saving Statute, the County Palatine might have determined by the Attainder. Before theſe Acts, the Dutchy and the County Palatine were diſtinct Bodies, but they are hereby made one; and a Superiority is given to the Dutchy, as the ſupreme Name of Corporation. It is curious to obſerve in the Recitals to the firſt of theſe Acts, how minutely every Circumſtance of Devaſtation and Cruelty neceſſarily attendant on Civil Wars, is here enumerated and imputed wholly to the vanquiſhed Party.

The Hiſtory of this Dutchy is farther illuſtrated by the Act of 1 *Henry* VII. for veſting the Dutchies of *Lancaſter* and *Cornwall*, *&c.* in *Henry* VII. and his Heirs, *without ſaying Kings of England*, and for ſettling the Dutchy of *Cornwall* on the firſt born Son of the ſaid *Henry*. It is obſervable, that *Henry* VII. derived his Title under *Henry* IV. and that he copied the Policy of that Prince, by ſeparating the Dutchy again from the Crown.

The Reader will alſo find a very ſingular Act of the 1 *Eliz.* giving Authority to the Queen's Majeſty, upon the Avoidance of any Archbiſhoprick or Biſhoprick, to take into her Hands certain of the Temporal Poſſeſſions thereof; recompenſing the ſame with Parſonages impropriate, and Tenths. This indeed was an effectual Way of ſecuring the Revenue; and ſuch a ſhort and peremptory Expedient as was very conſiſtent with the Policy of this Princeſs.

The laſt of the Acts which, to the Editor's Knowledge, have never been in Print before, is the Statute of 13 *Car.* II. *ſt.* 1. for the Regulation of the publick Office of the Maſters in Chancery; by which the Fees are ſettled, and the Hours of Attendance aſcertained.

THERE are likewiſe ſeveral other Statutes in this Appendix, which do not require any Explanation or Comment; but which nevertheleſs contain not only Subjects of Curioſity to the Antiquarian, but Matter of Information to the Hiſtorian and Philoſopher; who from thence may diſcover the Cauſes of many ſucceſſive Changes which the Conſtitution hath undergone: And there cannot be a

[t] See 4 *Inſt.* 204. 1 *Vent.* 157.

more pleaſing and uſeful Exerciſe of the Mind, than to trace the Progreſs toward Refinement, through all the rude Stages of civil Policy. From ſuch an Inveſtigation, however, we ſhall be led to conclude, that fortuitous Events have often contributed, more than human Foreſight, towards its Improvement [u].

Beſides the Acts printed in the Appendix, which have been omitted by late Editors, the Reader will find ſeveral in the Body of the Work which are not inſerted in later Editions. Some of theſe have been mentioned before; ſuch as 1 *R.* III. touching Acts of *Ceſtui que uſe*, the 34 and 35 *H.* VIII. *c.* 4. concerning Bankrupts [x]; the 13 *Eliz.* for making the River *Lee* navigable, and the 12 *Geo.* II. for

[u] However the Statute Law of this Kingdom may fall ſhort of Perfection, which no human Inſtitutions can attain, yet it ought to be prized by every Friend of our excellent Conſtitution: As among other Excellencies, it contains the valuable Charters by which we hold that Liberty which is our peculiar Boaſt. With regard to the Great Charter, though it is obſolete, ſo far as it regards the feudal Regulations; the 29th Clauſe, nevertheleſs, which contains general Proviſions for the Preſervation of publick Freedom, and the Security of Property, is ſtill in force. The Liberties of the Subject, however, are farther and more particularly aſcertained by the famous Petition of Right of the 3 *Car.* 1. whereby the Lords and Commons, among other Things, claim, that no Man be compelled to make or yield any Loan, Tax, or ſuch like Charge, but by Conſent of Parliament: That no Freeman be impriſoned for ſuch Refuſal: That no Soldiers or Mariners be quartered upon the People, *&c.*

It is obſervable, that when the Commons had framed this Petition, and preſented it to the Lords for their Concurrence, the latter thought proper to make the following Addition in the Concluſion:

"We preſent this our humble Petition to your Majeſty, with the Care not only of preſerving our own "Liberties, but with due Regard to leave entire that *Sovereign Power* wherewith your Majeſty is truſted for "the Protection, Safety, and Happineſs of the People."

This Addition produced a Conference between the two Houſes, wherein the Commons objected againſt the dangerous Saving included in thoſe Words *Sovereign Power*; and their Arguments were ſo cogent and irreſiſtible, that they induced the Lords to withdraw their Addition: And they at length agreed in all Points with the Commons *.

It is worthy of Remark, with how much Difficulty his Majeſty was brought to give a ſatisfactory Anſwer to this Petition. At firſt he anſwered, "The King willeth, that Right be done according to the Laws and "Cuſtoms of the Realm, *&c.*" But this not being thought ſufficiently clear and preciſe, the Commons preſſed his Majeſty to be more explicit: To which he replied, "The Anſwer I have already given you, "was made with ſo good Deliberation, and approved by the Judgments of ſo many wiſe Men, that I could "not have imagined, but it ſhould have given you full Satisfaction; but to avoid all ambiguous Interpreta-"tions, and to ſhew you there is no Doubleneſs in my Meaning, I am willing to pleaſure you in Words as "well as Subſtance: Read your Petition, and you ſhall have an Anſwer that I am ſure will pleaſe you." Whereupon the Petition being read, the King returned the Anſwer, which the Reader will find in the Statute Book: *Soit Droit fait come eſt deſire.*

But the laſt and moſt glorious Charters, by which our Liberty is ſecured, are the Bill of *Rights*, and the *Act of Settlement*. By theſe there is an actual Compact eſtabliſhed between the King and the Subject. The Rights of the People are enumerated and aſſerted, the Crown is tendered and accepted, on the Condition of the King's preſerving the Rights ſo aſſerted from Violation: And publick Liberty is not left to be ſupported by obſolete Precedents or litigated Interpretations.

[x] In the 34th and 35th of *Henry* the Eighth, which is the firſt Act againſt Bankrupts, and which in this Edition is printed at large, there is a Clauſe which appears to be unrepealed; and which is as follows:

"And be it enacted, that if any ſuch Perſon or Perſons, which ſhall be indebted, do withdraw himſelf "out of this Realm, or other the King's Dominions, into any foreign Realm or Country, to the Intent "thereby to abide and *remain* in Defraud of his Creditors; that then, upon Complaint in Writing con-"cerning the Premiſes thereof, made to the ſaid Lords, having Authority as is aforeſaid, the ſame Lords "ſhall, by virtue and Authority of this preſent Act, have full Power and Authority to award Procla-"mations to be made in ſuch Places as to them ſhall be thought meet and convenient; commanding by the "ſame, ſuch Offender, in the King our Sovereign Lord's Name, to return with all convenient Speed into "this Realm, and to yield his Body before the ſaid Lords, having Authority as is aforeſaid, or one of them;

* For the Speeches made on this Occaſion, ſee *Ruſhworth*'s Collections, Vol. I.

"and

for improving its Navigation. There are others likewiſe which it has been judged expedient to inſert therein, ſuch as 4 and 5 *W.* III. *c.* 1. for granting to their Majeſties an Aid of four Shillings in the Pound, *&c* [y].

The Editor, in ſhort, hath been careful to inſert all ſuch Statutes, however antiquated, as appeared to him to contain any uſeful Information, or which might afford any Inſight into the Conſtitution; and he hath, upon the whole, endeavoured to render this Collection as complete as his Abilities and Power of Attention would allow him. They who are beſt acquainted with the Difficulty of executing an Undertaking like this, will be moſt indulgent to its Defects.

" and if the ſaid Perſon within three Months next after he ſhall have Knowledge of ſuch Proclamation, or " as ſoon after as he conveniently may, do not repair and yield his Body as aforeſaid, that then the Body " of all and every ſuch Offender and Offenders ſhall be judged, taken, and deemed, to all Intents and Pur- " poſes, out of the King's Protection: And that alſo all Goods, Chattels, Lands, Tenements, and Debts " of every ſuch Offender, ſhall be, by Order of the ſaid Lords, employed and diſtributed among his " Creditors, equally and indifferently, Rate for Rate, in like Manner and Form as is afore declared."

This Clauſe ſeems to have provided againſt a Conſequence not within the *Letter* of the ſubſequent Statutes: For thoſe Statutes only make it an Act of Bankruptcy to *depart* the Realm with Intent to defraud Creditors; but if a Debtor ſhould go abroad without ſuch fraudulent Intent, and with the Knowledge and Conſent of his Creditors; and ſhould afterwards remain there, and grow in opulent Circumſtances, without paying any Regard to his Creditors: In this Caſe it might be doubted, whether he were a Bankrupt within the Deſcription of theſe Acts. But the Clauſe above mentioned provides a Remedy againſt ſuch, as having withdrawn themſelves out of the Realm, *remain* there with Intent to defraud their Creditors; and in this Reſpect is more full than the ſubſequent Statutes.

[y] With regard to 4 & 5 *W.* 3. *c.* 1. all the ſubſequent Land Tax Acts refer to it, and Aſſeſſments are made from it. Though, properly ſpeaking, the 1 *W.* 3. *c.* 20. which is to be found in the Appendix, is the firſt Land Tax Act.

MIDDLE-TEMPLE,
Nov. 28th, 1764.

OWEN RUFFHEAD.

PREFACE

TO THE

PRESENT EDITION.

OF the preſent Edition of the Statutes at Large, it is neceſſary to explain what was intended, as well as what has been executed. Mr. *Ruffhead*'s Edition being out of print, the Editor was prevailed on, in the courſe of the Year 1782, to undertake the Reviſion of it.

The principal Object which the Editor had in view was to eject thoſe Acts which are merely local, and of a *private* Nature; ſuch as, the Paving Acts, the Acts for Recovery of Small Debts (except only thoſe which relate to the Metropolis), the building of Churches, Bridges, Incloſures, *&c.* retaining only the Chapter and the Title. In truth, the Statutes are become ſo exceedingly voluminous (an Evil which is not only daily increaſing, but is daily aggravated by the Perplexity which ariſes from the verboſe Manner in which they are conceived), that it were almoſt impracticable to reprint thoſe Acts which are of a local deſcription; and in a Work principally adapted for profeſſional Uſe, in which only the publick Law of the Country was requiſite, it ſeemed altogether unneceſſary to retain them.

Some of the more ancient Acts, which were long ſince repealed, or have long ſince become obſolete, are alſo omitted, the Titles only being continued. The Editor truſts, however, that not one is omitted, which could contribute either to hiſtorical Proof, or legal Illuſtration.

The Reader cannot but remark, that of ſome of the ancient Statutes, the Titles only are inſerted, with a Reference to the Appendix, (at the End of the 10th Vol.), where the Act itſelf is printed at large. The Acts thus mentioned,

and thus referred to, contain Matter more of Curioſity than Uſe; of more Service to the Antiquary than the Lawyer. Antiquity has undoubtedly Votaries who reverence it; thoſe Acts were therefore reſerved for an Appendix, that not only the Antiquarian might be gratified, but that the practical Part of the Profeſſion might not be obſtructed by Materials, in no wiſe relative to the Object of their Purſuits.

References to reported Caſes are of Conſequence in a Work of this Deſcription; and though this be "the proper Toil of artleſs Induſtry," yet it requires a diligent Perſeverance to accompliſh it. The many References with which it abounds, have, for the moſt part, been carefully examined; thoſe which did not apply the Editor has rejected, retaining only ſuch as were appoſite; ſupplying at the ſame time the many additional ones (with ſome occaſional Notes), which the various Deciſions ſince the Publication of Mr. *Ruffhead*'s laſt Edition rendered abſolutely neceſſary. Authorities may nevertheleſs ſometimes ſeem to have been accumulated without Neceſſity; and perhaps ſome will be found, which might without Loſs have been thrown aſide. As to the References to the different Acts on the ſame Subject, every Care has been taken to correct the Errors and ſupply the Defects, of former Editions. The Operation of the Acts referred to, is in general ſpecified, by diſcriminating whether they repeal, or revive, continue, enforce, or explain the Act under Conſideration. Where the Statute referred to, contains Matter relative to Subjects of a different Nature, the Reader is directed to the very Section which regards the Object of Inquiry; in Addition to which, particular Attention has been paid, to place the Act referred to, immediately oppoſite to the Clauſe affected by the Reference. In regard to thoſe Acts, which when taken together, form one regular, though particular, Code,—as the Exciſe, Cuſtoms, Bankrupt Laws, *&c.*—the Editor has expunged "the many thouſand new References" with which Mr. *Ruffhead* had burthened his laſt Edition; referring the Reader generally to the ſubject matter in the Index. By this mean, the whole Syſtem is embraced in one regular comprehenſive View. The Reader contemplates with Certainty the various Alterations which the Subject has undergone at different Periods: And thus the Fatigue and Difficulty of a tedious and an intricate Reſearch are obviated; and the Reader more readily conducted to the true Conſtruction of the Act under his Conſideration.

Where the Tranſlation was manifeſtly wrong, the Editor has ventured to correct it. No Reverence for "preſcriptive Authority" can juſtify the Inſertion of that which is not warranted by the Original, nor the Suppreſſion of that which the Original contains. To reſtore it therefore to its true Conſtruction, without violating eſtabliſhed Authority, cannot be deemed either irreverent, or preſumptuous.

The Editor, conſcious that a perſpicuous and correct Index was indiſpenſably neceſſary to the Statutes at Large, has applied himſelf with much Labour, and

he hopes with ſome Accuracy, to compile one proper for the Work. He has, in general, followed the Plan of the former Index, correcting *that* where he found it to be defective, and including the various Alterations which the Legiſlature has made, down to the 25th Year of his preſent Majeſty.

The Index is infinitely more copious than any now extant. Among the Heads which have received the moſt conſiderable Additions, are *Certiorari*, *Coſts*, *Cuſtoms*, *Damages*, *Exciſe*, *Exchequer*, *Felony*, *General Iſſue*, *Scotland*, *Seamen*, *Ships*, and *Stamps*. Under the Title *Felony*, is added a Liſt of Felonies, both within and without Clergy, alphabetically digeſted; ſo that the Reader may at one View, ſee what Offences belong to either Claſs. The Article *Stamps* is arranged in a ſimilar Manner. A conſiderable Number of new Titles are likewiſe added; and ſome Alterations have alſo been made in the Diſpoſition of the Articles themſelves. The Editor has been particularly attentive to ſpecify all the relative Titles under each Head; and to facilitate the referring from the various Articles of one Head, to thoſe in another, each Article is numbered. As there are ſeveral Articles which may, without Impropriety, be claſſed under ſeveral general Heads, and as ſuch will occur differently to different Readers, thoſe who do not find the Matter they are in Search of, under the Head to which they reſort, will be referred to the Title under which it is claſſed, and directed to the very Article, by the Medium of this numerical Arrangement. For Example, ſuppoſe the Reader ſhould have Occaſion to ſearch for the Act obliging Maſters of *Ships* in the *Plantations* to carry *Seamen* for his Majeſty's Service; he will not receive the deſired Information under the Titles *Ships* or *Plantations*; but under each of thoſe Titles, he will meet with a Reference, directing him to Title *Seamen*, Art 54. where he will find an Abſtract of the very Clauſe which is the Object of Enquiry.

This numerical Arrangement will alſo be found uſeful, where the Relation between the Titles is not ſo obvious. It ſhould be obſerved, that in ſome Caſes the Article referred to, does not, at firſt Sight, appear to have any Relation with the Title from whence the Reference is made; but if the Reader will conſult the Clauſe of the Statute quoted, he will diſcover the Connexion. In this Caſe therefore, the Figures are of ſingular Uſe; for without ſuch a numerical Direction, the Reader might peruſe every Article without diſcovering *that* in which the Relation is to be found.

In ſome Inſtances however, References are made to the correlative Titles, without any numerical Direction to particular Articles. This happens where the Relation is ſo very intimate, that all, or the greater Part of the Articles under the Head referred to, have an obvious and reciprocal Connexion with the Head from whence the Reference is made. References are alſo, in ſome Inſtances, made to correlative Heads, merely with a View of aſſiſting the Student to form an Analyſis of the Subject before him. Thus, under the Title *Purchaſers*, the Reader is directed to *Bankrupt*, *Charitable Uſes*, *Fraud*, *Judgements*, *Recognizances*, *Recovery*, &c.

It is perhaps impoſſible to review the Laws of any Country, without diſcovering many Defects and many Incongruities. Laws often continue when the Reaſons for enacting them have ceaſed. In the Reviſion, therefore, of ſuch a Multiplicity of Laws, as the Statute Book of this Country affords,—paſſed in the Courſe of many Centuries, it is natural that different Laws ſhould at different Periods be enacted, to anſwer ſimilar Purpoſes; and though each ſhould contradict the other, yet may both be conſiſtent with the Temper of the Times in which they were eſtabliſhed. When we contemplate the Spirit of a free Conſtitution, we cannot but reflect, that to embarraſs Juſtice by the Multiplicity of Laws, or to hazard it by Confidence in Judges, ſeem to be the oppoſite Rocks on which all civil Inſtitutions have been wrecked; and between which legiſlative Wiſdom has not yet found an open Paſſage. Hence, in Part, originates that Confuſion, which involves the Statute Law of *England*; and hence it has become ſo enormous, repugnant, and contradictory, as to call for Reviſion and Reform. If *James* the Firſt found it neceſſary to recommend the "Reformation of the Statutes and Acts of Parliament," as a "worthy Work, which "well deſerved a Parliament to be ſat of Purpoſe for it,"—ſurely, at the Cloſe of the 18th Century, it is a Subject of infinitely more moment than it was in the Reign of that Monarch! At that Time, the Statutes were not one Tenth Part ſo voluminous as they are at preſent. The Statutes of this Reign alone, are nearly equal to one Third of the Whole, from the Time of *Henry* the Third! A ſimilar Reformation was attempted, with Succeſs, by the Emperor, *Juſtinian*. The *Romans*, it is well known, were for a conſiderable Time regulated by the Law of "*the Twelve Tables*," which were continually receiving either Explanation or Addition. Recourſe was alſo had to the Interpretations of the Learned, which were equally and univerſally adopted. To which might be added the Forms of Actions; the one publiſhed by *Flavius* the Scribe, called the *Flavian Law*; the other by *Sextus Ælius*, which, by way of Compliment, was termed *Jus Ælianum*. With theſe may be mentioned the *Prætorian Edicts*. Such were the component Parts of the *Roman* Law, during the Exiſtence of the Commonwealth; but, from the Re-eſtabliſhment of Monarchy in the Perſon of *Auguſtus*, the Law received additional Strength, from the Imperial *Conſtitutions* on the one hand, and the *Anſwers* of the Lawyers on the other. Theſe Conſtitutions, innumerable as they were, obtained no regular Form till the Reign of *Conſtantine* the Great; when they were collected into two Codes, from the Reign of *Adrian*, to that of *Diocleſian*; to which another was afterwards ſubjoined by *Theodoſius* the Younger. This copious and heterogeneous Maſs of Juriſprudence, *Juſtinian*, in the Year of Chriſt 528, was determined to reform. He iſſued a Decree for reducing the Law into Order; omitting what was obſolete and contradictory, reſerving only what was neceſſary and uſeful. This Work he aſſigned to *Tribonian*, a Lawyer of diſtinguiſhed Ability. *Tribonian* took to his Aſſiſtance ſixteen other Juriſts, and, though ten Years were allotted for the ſalutary Purpoſe, it was completed in leſs than three. The Writings of the ancient Lawyers alone, conſiſted of near TWO THOUSAND Volumes, from whence the moſt equitable Opinions were ſelected; and (when corrected) were divided into fifty Books, called *Digeſts* or *Pandects*.

The

The Editor has digreſſed thus far, from the immediate Object before him, in the Hope of ſhewing that the Reformation effected under the Auſpices of *Juſtinian*, was of equal Magnitude with that propoſed, reſpecting the Statute Law of *England*. That Reform was not only produced within one Third of the Time allotted for its Completion, but it brought forward a Code that has long been the Study of the wiſeſt Men, and received as Law by the politeſt Nations. It is idle to lament an Evil which we have it in our Power to remedy; for ſurely Means may readily be deviſed, adequate to ſo deſirable an End. A Commiſſion formed of profeſſional Characters, not in Parliament, might, by moderate Attention and ſteady Perſeverance, reviſe and reform our Statute Book, in the Courſe of a very ſhort Time. A regular and connected Syſtem of poſitive Juriſprudence would reſult from their Labours, to which the Profeſſion could reſort with Confidence, and the Publick with Security; many Evils would be avoided, and many Benefits procured.

That our penal Laws ſhould be ſo numerous and ſo inefficient, has long been a Subject of Regret and of Complaint. Luxury has ſo far pervaded every Department of the State, that the People are left expoſed to perpetual Seduction. In ſuch a Situation, the Multiplication of penal Laws, only tends to depopulate the Kingdom, and diſgrace the State;—devoting to Proſcription and to Death, thoſe who might have been uſeful to Society, leaving the reſt diſſolute and factious. "It "is (ſays Mr. Juſtice *Blackſtone*) a melancholy Truth, that among the Variety "of Actions which Men are daily liable to commit, no leſs than one hundred "and ſixty [a] have been declared by Act of Parliament to be Felonies without "Benefit of Clergy; or, in other Words, to be worthy of inſtant Death. So dread-"ful a Liſt, inſtead of diminiſhing, increaſes the Number of Offenders." Nothing can be more evident, than that Laws againſt Wickedneſs are ineffectual, unleſs ſome will inform and ſome will proſecute; but till we mitigate the Penalties for the mere Violation of Property, Information will always be hated, and Proſecution dreaded. What is puniſhed with Severity, contrary to our Ideas of adequate Retribution, will be ſeldom diſcovered; and Multitudes will be ſuffered to advance from Crime to Crime, till they deſerve Death; becauſe, had they been ſooner proſecuted, they would have ſuffered Death before they had deſerved it.

Having thus explained his Object and his Endeavours, the Editor has only to add, that though a Work of this Sort may not require any great Degree of Ability, yet an intenſe Application is certainly neceſſary to examine and correct it. Impreſſed with this Idea, he not only accurately examined it, before it was committed to the Preſs, but every Sheet of it has ſince been attentively reviſed. In ſhort, every Diligence has been exerted to render this Edition as accurate as poſſible. Whether the Editor has executed it with Succeſs or not, the Profeſſion (of whoſe good Opinion he is anxiouſly ſolicitous) will eaſily determine. He

[a] Which have ſince been conſiderably increaſed. See the Index.

only

only claims the Merit of diligent Attention. That the Work has been ſo long poſtponed, is in ſome meaſure owing to certain profeſſional Avocations, to which the Editor was bounden to attend; but when the Nature of the Work is conſidered, he truſts it will be found to have been accelerated, with an Aſſiduity, conſiſtent with the Caution due to ſuch an Undertaking.

SERJEANT'S INN,
April 8th, 1787.

C. RUNNINGTON.

A TABLE

A

TABLE

OF THE

Publick and Private Statutes,

CONTAINING

The TITLES of the ACTS from *Magna Charta* in the Ninth Year of the Reign of HENRY III. King of *England*, &c. to the End of the Reign of King HENRY VI.

Anno 9 HENRICI 3.

MAGNA CHARTA, or the Great Charter, containing Thirty-ſeven Chapters.
Charta Foreſtæ, or the Charter of the Foreſt, containing Sixteen Chapters.

Anno 14 *Henrici* 3.

THE Statute of *Ireland*.

Anno 20 *Henrici* 3.

THE Statutes made at *Merton*, containing Eleven Chapters.

Anno 21 *Henrici* 3.

THE Statute of the Leap Year.

Anno 38 *Henrici* 3.

S*Ententia lata ſuper Chartas*.

Anno 51 *Henrici* 3.

THE Statute of Bread and Ale.
The Statute concerning common Days in Bank.
The Statute concerning common Days in a Writ of Dower.
The Statute of Diſtreſſes in the Exchequer.
The Statute of the Exchequer.
The Statute of the Pillory and Tumbrel.

Anno 52 *Henrici* 3.

THE Award made between the King and his Commons at *Kenelworth*.
The Statutes made at *Marleberge*, or *Marlborough*, containing Twenty-nine Chapters.
The Sentence of Curſe given by the Biſhops, againſt the Breakers of the Great Charter.

Anno 3 EDWARDI.

THE Statute of *Weſtminſter* the firſt, containing Fifty-one Chapters.

Anno 4 *Edwardi*.

A Statute for the Extent of a Manor.
A Statute touching the Office of Coroners.
The Statute of Bigamy, containing Six Chapters.

Anno 6 *Edwardi*.

THE Statutes made at *Glouceſter*, containing Fifteen Chapters.
An Expoſition upon the Statute of *Glouceſter*.
Statute of *Quo Warranto*, the Firſt.

Anno 7 *Edwardi*.

A Statute forbidding bearing of Armour.
The Statute of *Mortmain*.

Anno 9 *Edwardi*.

A Correction of the Twelfth Chapter of the Statute of *Glouceſter*, touching calling Foreigns to Warranty in *London*.

Anno 10 *Edwardi*.

A New Statute of the Exchequer, called the Statute of *Rutland*.

Anno 11 *Edwardi*.

THE Statute of *Acton Burnell*.

Anno 12 *Edwardi*.

STATUTE of *Wales*.

Anno 13 *Edwardi*.

THE Statute of *Weſtminſter* the Second, containing Fifty Chapters.
The Statute of *Wincheſter*, containing Six Chapters.
The Statute of Merchants.
The Statute of *Circumſpecte agatis*.
A Statute for the City of *London*.
The Form of Grants, and of Exemplification of Charters.

Anno 14 *Edwardi*.

THE Statute of *Exeter*.
Articles of the Statute of *Exeter*.

The TITLES of the STATUTES.

Anno 17 *Edwardi.*

ORdinatio *pro ſtatu Hiberniæ*, containing Eight Chapters.

Anno 18 *Edwardi.*

THE Statute of *Weſtminſter* the Third, *viz. Quia emptores terrarum*, containing Three Chapters.
The Statute upon the Writ of *Quo Warranto.*
The new Statute of *Quo Warranto.*
The Manner of levying Fines.

Anno 20 *Edwardi.*

THE Statute of Vouchers.
A Statute of Waſte.
The Statute *De defenſione juris.*
The Statute of Money.
The little Statute of Money.
Articles of Money.

Anno 21 *Edwardi.*

THE Statute of Perſons to be put in Aſſiſes.
The Statute of Treſpaſſers in Parks.

Anno 24 *Edwardi.*

THE Statute upon the Writ of Conſultation.

Anno 25 *Edwardi.*

A Confirmation of the Charters of the Liberties of *England*, and of the Foreſt, containing Seven Chapters.
The Sentence of the Clergy, given againſt the Breakers of the Articles above written.

Anno 27 *Edwardi.*

THE Statute of Fines levied, containing Four Chapters.
An Ordinance of purchaſing Liberties.
Stat. de Falſa Moneta.

Anno 28 *Edwardi.*

A Statute of Wards and Reliefs.
A Statute for Perſons appealed by Approvers.
Articles upon the Charters, containing Twenty Chapters.

Anno 29 *Edwardi.*

A Statute of Eſcheators.

Anno 31 *Edwardi.*

AN Ordinance of Meaſures.

Anno 33 *Edwardi.*

THE Statute of Protections.
A Definition of Conſpirators.
The Statute of Champerty.
An Ordinance for Inqueſts.
An Ordinance of the Foreſt.
An Ordinance of meaſuring of Land.

Anno 34 *Edwardi.*

THE Statute of Joint-tenants.
Articles of Inquiſition upon the Statute of *Wincheſter.*
A Statute of Amortiſing Lands.
A Statute *de Tallagio non concedendo*, containing Six Chapters.
Ordinatio Foreſtæ, containing Six Chapters.
The Oath of the Sheriff.

Anno 35 *Edwardi.*

STatutum *de Appartis Religioſorum*, containing Four Chapters.
Stat. ne Rector proſternat arbores in cæmeterio.

Anno 1 EDWARDI II.

A Statute of Knights.
The Statute of Breakers of Priſon.

Anno 3 *Edwardi* 2.

A Statute made at *Staundford*, being a Confirmation of 28 *Edw.* I.
De Statuto pro Clero inviolabiliter obſervando.

Anno 7 *Edwardi* 2.

A Statute, that none ſhall be impeached for the Return of *Peter de Gaveſton.*
A Statute that none ſhall be impeached for the Taking and Death of *Peter de Gaveſton.*

Anno 9 *Edwardi* 2.

ARTICLES for the Clergy, containing Sixteen Chapters.
A Statute for Sheriffs, made at *Lincoln.*

Anno 10 *Edwardi* 2.

A Statute of Gavelet in *London.*

Anno 12 *Edwardi* 2.

THE Statute of *York*, containing Six Chapters.
The Statute of Eſſoins.

Anno 14 *Edwardi* 2.

A Statute of Sheriffs, and the Green Wax.

Anno 15 *Edwardi* 2.

THE Statute of *Carliſle*, concerning Fines levied.
A Statute revoking the Pardon granted to the *Deſpenſers.*
A Statute that none ſhall be impeached for Felonies or Treſpaſſes in the Proſecution of *Hugh le Deſpenſer*, &c.
The Form of the Charters thereon.
A Statute revoking the Pardon granted to the Proſecutors of *Hugh le Deſpenſer*, &c.

Anno 16 *Edwardi* 2.

A Statute revoking an Eſtabliſhment of the Houſhold.
A Statute of Eſtreats.

Anno 17 *Edwardi* 2.

THE King's Prerogative, containing Sixteen Chapters.
The Manner of doing Homage and Fealty.
Statutim de Terris Templariorum.

Anno 18 *Edwardi* 2.

A Statute for View of Frankpledge.

Temporibus incertis.

ARTICLES againſt the King's Prohibition.
An Ordinance for Bakers and Brewers and other Victuallers; and for Ells, Buſhels, and Foreſtallers, containing Ten Chapters.
The Statute called *Ragman*, of Juſtices aſſigned.
The Cuſtom and Aſſiſe of the Foreſt, or the Articles of Attachments of the Foreſt.
The Statute of Arms at Tornaments.
A Statute of View of Land, and Eſſoin of the King's Service.
A Statute of Juſtices aſſigned.
A Compoſition of Ells and Perches.
A Statute of the Writ of Inquiry to be granted of Lands to be put in *Mortmain.*

The

The TITLES of the STATUTES.

The Statute of *Jewry*.
A Statute of the Chattles of Felons.
The Statute for Tenants by the Curteſy of *England*.
Prohibition on the *Articuli Cleri*.
Articles and Oaths of the King's Miniſters in Eyre.
Of the Great Aſſiſe, and Battle.
Of the Diviſion of Pence.

Anno 1 EDWARDI III.

1. AN Act, that none be grieved for the Purſuit of King *Edw.* II.
2. A Confirmation of the Exile of Sir *Hugh Spencer* and his Son.
3. An Adnullation of Fines levied to the *Spencers*.
4. An Act of Trial of an Averment in Writs of falſe Judgement.
5. An Act touching Averment againſt Returns of Bailiffs of Franchiſes.
6. An Act concerning Attaint, as well upon the Principal, as upon Damages in Treſpaſſes.
7. An Act againſt Gaolers, that compel Priſoners to make Appeals.
8. An Act againſt Offenders in Foreſts.

Other Statutes made at another Parliament in the ſame Year.

1. A Confirmation of the Great Charter, and the Charter of the Foreſt.
2. How every Perſon may uſe his Woods within the Foreſt; ſeizing of the Temporalties of Biſhops.
3. A Confirmation of King *Edward* the Second's Pardon to the Jews, and all others.
4. An Act for ordering the King's Debts.
5. An Act limiting how far the Subjects ſhall be bound to go to the Wars.
6. An Act for the Tax of the Aid granted to the King.
7. An Act for Wages to be given to Soldiers.
8. An Act that no Money be taken for fair Pleading.
9. A Confirmation of Liberties of Cities and Boroughs.
10. There ſhall be no more Grants of Corodies at the King's Requeſt, by Biſhops, Abbots, *&c.*
11. An Act, that no Suits be made againſt Indictors in Spiritual Courts.
12. No Forfeiture but a Fine ſhall be made for Alienation of Lands holden of the King.
13. Purchaſing of Lands holden of the King as of ſome Honour.
14. An Act againſt Maintainers of Quarrels.
15. None ſhall be bound by writing to come armed to the King.
16. Who ſhall be Juſtices of the Peace.
17. Indictments to be by Indenture in Sheriffs Turns.

Anno 2 *Edwardi* 3.

1. A Confirmation of the Great Charter, and the Charter of the Foreſt.
2. In what Caſes only Pardon of Felony ſhall be granted: Who ſhall be Juſtices of Aſſiſe.
3. No Man ſhall come before the Juſtices, or go or ride armed.
4. A Confirmation of the Statute of *Lincoln* for Sheriffs.
5. An Act for Delivery of Writs to Sheriffs to be executed.
6. A Confirmation of the Statute of *Wincheſter*, and for aſſigning Power to Juſtices of the Peace.
7. An Act for Puniſhment of Felons and Murderers.
8. An Act that Right be not delayed to the Subjects.
9. An Act that all Staples ſhall ceaſe.
10. The King's Pardon of Fines forfeited.
11. The Common Bench ſhall not be removed without Warning by Adjournment.
12. Hundreds and Wapentakes ſhall be annexed to Counties, and not let to farm.
13. An Act for Proceſs in Treſpaſs done in the Time of King *Edward* the Second.
14. For the meaſuring and Aſſiſe of Cloth.
15. An Act for Fairs to be holden in their uſual Time.
16. An Act for *Niſi prius* to be granted as well at the Tenant's Suit, as at the Demandant's.
17. An Act touching Writs of Deceipts given in a *Scire facias* in a Plea of Land.

Anno 4 *Edwardi* 3.

1. A Confirmation of the Great Charter, the Charter of the Foreſt, and of all Statutes not repealed.
2. The Authority of Juſtices of Aſſiſe, Gaol-delivery and of the Peace.
3. An Act touching Purveyance of the King and Queen's Houſes.
4. A Confirmation of the Statute of 28 *Ed.* 1. *ſtat.* 3. *c.* 2. touching Purveyors.
5. The King's Pardon of certain Fines.
6. A Confirmation of the Statute of *Carliſle*.
7. Executors ſhall have an Action of Treſpaſs for a Wrong done to the Teſtator.
8. An Act touching the Paſſage over the Seas at *Dover*.
9. Sheriffs and Bailiffs ſhall have ſufficient in the County.
10. Sheriffs and Gaolers ſhall receive Offenders without taking any Thing.
11. Juſtices of Aſſiſe ſhall inquire of Maintenance, Conſpiracy, and Champerty.
12. An Act for the Sale of Wines.
13. A Confirmation of the Statute of *Northampton*, made 2 *Edw.* 3. for granting of Pardon.
14. An Act for a Parliament to be holden once every Year.
15. An Act for Wapentakes and Hundreds to be letten at the Old Farm.

Anno 5 *Edwardi* 3.

1. A Confirmation of the Great Charter, and the Charter of the Foreſt.
2. An Act againſt the King's Purveyors.
3. A Confirmation of the Statute of *Carliſle*, touching Religious Houſes.
4. An Act that Sheriffs and other Officers ſhall have ſufficient in the County.
5. The Penalty if any do ſell Ware at a Fair after it is ended.
6. *Niſi prius* ſhall be granted in Attaint, but no Eſſoin or Protection: Days given.
7. Attaint ſhall be granted in Treſpaſs, if the Damage paſs 40*s.*
8. The Marſhals of the King's Bench ſhall not bail Felons.
9. An Act that none be attached or judged, nor outed of his Lands or Goods, contrary to the Great Charter.
10. An Act for Puniſhment of Jurors that take Money to give their Verdict.
11. Proceſs againſt thoſe that be appealed, indicted, or outlawed in one County, and remain in another.
12. An Act for Allowance of Charters of Pardon in Outlawries at the Suit of the Party.
13. An Act touching the avoiding Outlawries by Impriſonment.
14. An Act for arreſting of ſuſpected Perſons and Nightwalkers.

Anno 9 *Edwardi* 3.

1. AN Act that Merchant Strangers may freely ſell all manner of Merchandizes to whom they will without Diſturbance.

The TITLES of the STATUTES.

2. An Act that no Man ſhall loſe his Land becauſe of *Nonplevin*.
3. An Act limiting what ~~Eſſoins~~ ſhall be allowed to Executors being ſued for the Debt of the Teſtator.
4. An Act for Trial of Deeds, dated where the King's Writ runneth not.
5. An Act that Juſtices of Aſſiſe, *&c.* ſhall ſend their Records to the Exchequer.

Other Statutes made in Parliament the ſame Ninth Year.

1. AN Act that no Sterling Money nor Plate be carried out of the Realm.
2. An Act that no falſe Money be brought into the Realm.
3. An Act that no Sterling Halfpence nor Farthings be molten by Goldſmiths.
4. An Act whereby Black Money is prohibited to be current.
5. For Puniſhment of the Offenders of this Statute.
6. An Oath of Merchants and Shipmaſters, that they ſhall not offend this Statute.
7. An Act for Tables of Exchange.
8. An Act for Paſſage of Pilgrims at *Dover* only.
9. An Act for Search, that no Money or Plate be carried out of the Realm, nor falſe Money brought in.
10. An Act for the Wages of Searchers, and their Puniſhment.
11. An Act that Hoſtlers in every Port be ſworn to ſearch their Gueſts.

Anno 10 *Edwardi* 3. *Stat.* 1.

1. A Confirmation of the Great Charter, the Charter of the Foreſt, and of all Statutes not repealed.
2. An Act that no Pardon be granted againſt the Statute made at *Northampton*, *Anno* 2 *Ed.* 3. *c.* 2.
3. They that have Charters of Pardon, ſhall find Surety for their good abearing.

Statutes of Purveyors made the ſame Tenth Year. Stat. 2.

1. THINGS purveyed for the King's Houſe ſhall be praiſed, and Tallies made thereof.
2. The Sheriff ſhall make Purveyance for the King's Horſes.
3. Certain Perſons ſhall be appointed to hear the Offences of the Keepers of the King's Horſes.

Articles ſent to the ſeveral Sheriffs for preſerving the Peace of the Kingdom till the Meeting of the next Parliament, annexed to the preceding Statute.

Stat. 3.

STatutum de Cibariis utendis, editum apud Nottingham.

Anno 11 *Edwardi* 3.

1. AN Act againſt Carriage of Woolls out of the Realm.
2. An Act againſt wearing of outlandiſh Cloth.
3. An Act againſt bringing of foreign Cloths into the Realm.
4. An Act concerning the wearing of Furs.
5. An Act licenſing Clothworkers of ſtrange Lands to come and dwell in *England*, and other the King's Dominions.

Anno 14 *Edwardi* 3.

1. A Confirmation of Liberties of the Church, and the Great Charter.
2 & 3. An Act of the King's Pardon.
4. An Act whereby Preſentment of *Engleſchrie* is aboliſhed.
5. An Act for Redreſs of Delays in Judgements in the King's Courts.
6. An Act for Amendment of Records.
7. How long Sheriffs ſhall tarry in their Offices.
8. An Act concerning Eſcheators and Coroners.
9. An Act concerning Bailiffs errant, and againſt letting to Farm of Hundreds and Wapentakes.
10. Sheriffs ſhall have the keeping of Gaols.
11. The Clerk of the Statutes ſhall be reſident upon his Office.
12. An Act for true Weights and Meaſures.
13. An Act touching Waſte done by Eſcheators in Wards Lands.
14. An Act for Writs of Search.
15. An Act againſt granting of Pardon to Felons.
16. An Act touching the granting of *Niſi prius* before any Juſtices.
17. An Act touching a *Juris Utrum*, and other Writs maintainable for Parſons, Vicars, Provoſts, *&c.*
18. An Act againſt vouching to Warranty a dead Perſon.
19. An Act againſt Purveyors.
20. An Act of Subſidy and Fifteen.
21. An Act of Subſidy of Woolls, and Cuſtom for the ſame.

Other Statutes made in the ſame Fourteenth Year. Stat. 2.

1. AN Act touching the Subſidy.
2. An Act that all Merchants Strangers may have ſafe Conduct.

Statute concerning the Clergy made in the ſame Fourteenth Year. Stat. 3.

A Statute made at *Weſtminſter*, *April* 16. *Anno* 14 *Edw.* 3. *Stat.* 3. reciting ſome former Grants, and limiting the Cuſtom on Wooll, Plate, *&c.*

Stat. 4.

1. AN Act that ſpiritual Perſons Goods be not taken by the King's Takers.
2. An Act touching Preſentments to Churches made by the King in another's Right.
3. An Act againſt ſeizing the Biſhops Temporalties into the King's Hands.
4 & 5. Acts againſt Waſte done by Eſcheators in Biſhops Temporalties, and who ſhall have them during the Vacation.

Stat. 5.

AN Act that the Subjects of *England* ſhall be out of Subjection of the Kings of *France*.

Anno 15 *Edwardi* 3.

1. AN Act for the Maintenance of the Great Charter, and of other Charters.
2. An Act concerning Trial by Peers.
3. The Chancellor and other great Officers to ſwear to keep the Laws.
4. An Act for Offices to be ſeized into the King's Hands in Time of Parliament.
5. An Act appointing who ſhall puniſh Uſury.
6. Miniſters of the Church ſhall not anſwer before the King's Juſtices for Things done touching the Juriſdiction of the Church.

Another Statute made the ſame Fifteenth Year. Stat. 2.

A Revocation of the ſaid former Statute, made 15 *Ed.* 3.

Another Statute made the ſame Year. Stat. 3.

AN Act for a Subſidy of Woolls, and other Things concerning Woolls, containing Seven Chapters.

Anno 17 *Edwardi* 3.

AN Act for the Searching of Money.

Anno 18 *Edwardi* 3.

A Statute for Declaration of Exigents.

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Anno 18 *Edwardi* 3. *Stat.* 2.

1. AN Act for ceasing of Commissions of new Inquiries.
2. An Act touching Justices of the Peace.
3. An Act for sorting and buying of Woolls.
4. An Act to repeal Commissions for Essay of Weights and Measures.
5. An Act touching Exigents in Trespass.
6. An Act for the new Money and the Exchanges.
7. When the King's Wages to Soldiers shall begin and end.

Other Statutes the same 18*th Year for the Clergy.* *Stat.* 3.

1. A Triennial *Disme* granted to the King by the Clergy towards his War in *France*.
2. An Act for Trial of Bigamy.
3. Against purchasing Lands in *Mortmain*.
4. Confirmation of the Statute of Purveyors.
5. Touching Prohibitions.
6. Temporal Justices shall not make Commissions, to inquire of Process made by Spiritual Judges.
7. Touching *Scire facias* for *Dismes*.

Stat. 4.

THE Oath of Justices.

Stat. 5.

THE Oath of the Clerks of the Chancery.

Anno 20 *Edwardi* 3.

1. AN Act that Right be done by Justices to all Men.
2. An Act that Right be done by the Barons of the Exchequer.
3. An Act for the Oath of the Justices of Assises and Gaol-Delivery.
4. None shall maintain any Quarrels but their own.
5. Lords and great Men shall put such out of their Service which are Maintainers of Quarrels.
6. Justices of Assise shall inquire of the Demeanour of Sheriffs, and other Officers.

Statutes of Labourers, Anno 23 *Edwardi* 3.

1. WHAT Persons shall be compelled to labour.
2. An Act that Labourers retained depart not within their Term.
3, 4, & 5. For Labourers Wages.
6. For Victuallers.
7. For Beggars.
8. For Artificers.

The Statute of Labourers, made Anno 25 *Edwardi* 3.

1, 2, & 3. WHAT Wages Labourers and others shall take.
4. For Cordwainers, and other Artificers.
5. For Punishment of the Offenders of this Statute.
6. An Act against Extortions by Sheriffs, *&c.*
7. An Act for holding of Sessions, and against unlawful Departure of Servants.

Another Statute made the same 25*th Year.* *Stat.* 2.

AN Act touching such as be born beyond the Seas.

A Statute for the Clergy, made the same 25*th Year.* *Stat.* 3.

1. A Confirmation of all Liberties granted to the Clergy.
2. An Act for Repeal of an Act made 14 *Ed.* 3. *cap.* 2. touching the King's Presentment to a Church of another's Right.
3. An Act that the King's Title shall be examined when he presents to a Benefice.
4. For Clerks convict of Treasons and Felonies.
5. Clerks shall be arraigned of all their Offences.
6. Touching seizing of Temporalties, and taking Fines of Bishops for Contempts.
7. The Incumbent may plead against the King in a *Quare Impedit*.
8. For Cognizance of Matters pertaining to the Church.
9. Touching Indictments of Extortions of Ordinaries.

A Statute for Clothes made in the same 25*th Year.* *Stat.* 4.

1. AN Act for measuring of Clothes.
2. An Act for Victual and other Merchandizes to be sold by Merchants Strangers without Interruption.
3. An Act against forestalling of Wines.
4. An Act for pulling down of new Wears.

A Statute of Purveyors made in the same 25*th Year.* *Stat.* 5.

1. AN Act touching Purveyors for the King's House.
2. An Act for Declaration of Treasons.
3. No Indictor shall be put upon the Inquest of the Party indicted.
4. An Act that no Man be condemned by Suggestion, without lawful Presentment.
5. An Act touching Actions brought by Executors of Executors.
6. An Act against Takers of Wood or Timber for the King.
7. An Act for the gathering of the Foresters.
8. None shall be constrained to find Men of Arms.
9. Auncel Weight abolished.
10. An Act for true Measures.
11. For reasonable Aid to make the King's Son Knight, or to marry his Daughter.
12. An Act for Exchange of Gold and Silver.
13. An Act against impairing of Money.
14. What Process shall be awarded against Men indicted of Felony.
15. Against Purveyors taking more Sheep than be needful.
16. Exception of Nontenure of Parcel shall not abate the whole Writ.
17. Touching Process of Outlawry in Actions of Debt, Detinue, and Replevin.
18. Touching Villenage.
19. Touching Protections granted by the King.
20. For Plate to be received into the Mint by Weight, and returned in Money by Weight.
21. For taking Wines by the King's Butler.
22. Against Provisors to the Court of *Rome*.
23. Against Lombards that escape out of the Realm being in Debt.

Other Statutes made in the same 25*th Year.* *Stat.* 6.

A Statute of Provisors.

Stat. 7.

A Statute of the Form of levying of the Fifteen.

Anno 27 *Edwardi* 3.

1. AGAINST Provisors to the Court of *Rome*.
2. A Touching Charters of Pardon for Felonies.
3. For Commissions to be awarded to redress Victuallers, and Dearth of Victuals.
4. For Aulnage and Assise of Clothes, and a Subsidy granted upon every Cloth.
5. Forestalling of *Gascoigne* Wines, Felony.
6. For Merchants of *Gascoigne* safely to bring their Wines.
7. That it shall be Felony to sojourn in *Gascoigne*, and buy Wines there by *English* Merchants.
8. For gauging of Wines.

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The Statute of the Staple, made the ſame 27th Year.

1. WHERE the Staple ſhall be kept.
2. All Merchants may freely ſell all their Merchandizes in the Staple.
3. Merchants may buy Woolls, Leather, Fells, and Lead in *England*, ſo that they be carried to the Staple.
4. That none going to the Staple be diſturbed by the Purveyors.
5. The King's Juſtices ſhall have no Cognizance of that which pertaineth to the Staple.
6. That no Marſhal or other Miniſter meddle with the Staple.
7. Touching Licence of Paſſage of Woolls, Leather, Fells, or Lead.
8. The Juriſdiction of the Staple.
9. For Recognizance of Statutes of the Staple.
10. For Weights and Meaſures of the Staple.
11. Againſt foreſtalling of Merchandizes coming to the Staple.
12. That no Woolls, Fells, Leather, nor Lead, be carried into *Scotland*.
13. Touching Goods robbed upon the Sea coming into the Realm.
14. For bringing of Bullion into the King's Exchanges.
15. Concerning Indentures to be made between Carriers of Merchandizes to the Staple by freſh Rivers, and the Bailiffs of the Towns where they be ſhipped.
16. For the Rent of Places in the Staple where Woolls and other Merchandizes ſhall be ſet.
17. That no Merchant Stranger be impeached for others Debt.
18. Merchants of *Ireland* and *Wales* may bring their Merchandizes to the Staples in *England*.
19. That none loſe his Goods by Forfeit of his Servants.
20. Merchant Strangers taken into the King's Protection.
21. The Authority of the Major and Conſtables of the Staple.
22. For Correctors of Strangers and Denizens to be in the Staple.
23. For a certain Number of Porters, and other Officers, to be in the Staple.
24. For Aſſociation to the Major of the Staple, where any Alien is Party.
25. Nothing to be done in Prejudice of the Staple.
26. Credence to be given to the Letters or Oaths of the Owners of Merchandizes coming into the Realm, teſtifying the true Value of them.
27. The Penalty of them that be convict for ſhipping of Woolls.
28. Confirmation of Privileges and Cuſtoms of the Staple.
29. The Fees of the Mayors and Conſtables of the Staple.

Anno 28 *Edwardi* 3.

1. CONfirmation of all Statutes not repealed.
2. The Lords Marchers in *Wales* ſhall be attendant to the Crown of *England*, and not to the Principality of *Wales*.
3. None to be diſſeiſed or impriſoned, without due Proceſs of the Law.
4. How Eſcheators and other Officers ſhall anſwer the King the Profits of Lands coming to him by the Death of his Tenants.
5. No Iron ſhall be ſent out of the Realm.
6. For the Election of Coroners.
7. How long Sheriffs ſhall abide in their Offices.
8. An Attaint ſhall be granted as well upon a Bill as upon a Writ of Treſpaſs.
9. No Writ ſhall be directed to a Sheriff to charge an Inqueſt to indict any.
10. For Redreſs of Errors, and Miſpriſions in Government in the City of *London*.
11. Freſh Suit ſhall be made after Robbers from Country to Country.
12. Within what Time Purveyances made for the King's Houſe ſhall be paid for.
13. The Warrant of packing of Woolls ſhall be put out, and Inqueſts ſhall be *De medietate linguæ*, where an Alien is Party.
14. For ſhewing of Woolls every Day at the Staple, except *Sunday*.
15. An Act declaring the Bounds of the Staple.

Anno 31 *Edwardi* 3.

1. CONfirmation of the Great Charter, and the Charter of the Foreſt.
2. Againſt the abating of the Prices of Woolls.
3. For Diſcharge of the Eſtreats in the Exchequer.
4. Againſt Extortion in Biſhops Officers for Probates of Wills.
5. The Contents of a Tun of Wine, and the true gauging of the ſame.
6. Touching Fines and Amerciaments of Labourers.
7. Juſtices ſhall enquire of the Offenders of the Laws of the Staple.
8. What Refuſe ſhall be made of Wooll. All Woolls ſhall be brought to the Staple.
9. The Chancellor and Treaſurer upon Cauſe may defer the Paſſage of Woolls.
10. For the Rule and Reformation of the Victuallers of *London*.
11. To whom the Ordinary may commit Adminiſtration, where a Man dieth inteſtate, and the Adminiſtrators to have Actions, as Executors ſhould.
12. The Chancellor and Treaſurer ſhall reform and examine Errors in the Exchequer.
13. The King's Pardon.
14. For levying of Eſcapes.
15. At what Time the Sheriff ſhall hold his Turn.

The Statute of Herrings made in the ſame One and thirtieth Year. Stat. 2.

1. TOuching Herring, and the Manner of ſelling thereof.
2. Concerning the Sale of Herrings at *Yarmouth*.
3. For Stockfiſh.

Other Statutes made the ſame 31*ſt Year. Stat.* 3.

1. FOR Fiſh coming within the Haven of *Blackney*.
2. Ordinances for Fiſh.

Stat. 4.

ORdinatio facta pro Statu terræ Hiberniæ, containing 19 Chapters.

Anno 34 *Edwardi* 3.

1. FOR Juſtices of Peace.
2 & 3. For Purveyors.
4. For making of Panells, and who ſhall be impanelled upon Juries.
5. Auncel Weight aboliſhed.
6. For Weights and Meaſures.
7. Attaint ſhall lie as well in Plea real as perſonal.
8. Againſt Jurors taking Money for giving their Verdict.
9, 10, 11. For Labourers.
12. There ſhall be no Forfeiture of Lands for Treaſon of dead Perſons not attainted.
13. How Eſcheators ſhall take their Inqueſts.
14. For Traverſe of Offices.

15. Con-

15. Confirmation of Alienations made by the Tenants of King *Henry* the Third, *&c.*
16. Nonclaim of Fines ſhall be no Bar.
17. Merchants, Aliens, or Denizens may come into *Ireland.*
18. For them that have Poſſeſſions in *Ireland.*
19. No Cuſtom to be paid for Canvaſſes to pack Woolls in.
20. For Paſſage of Corn to *Callice.*
21. For Paſſage of Woolls.
22. For Hawks found.

Anno 35 *Edwardi* 3.

AN Ordinance touching Herrings coming to *Yarmouth*, and the Hoſtellers there.

Anno 36 *Edwardi* 3.

1. CONfirmation of the Great Charter, the Charter of the Foreſt, and of all Statutes not repealed.
2, 3, 4, 5, 6. Acts againſt Purveyors.
7. Of what Things the Major and Conſtables of the Staple ſhall have Cognizance.
8. For the Wages of Pariſh Prieſts.
9. For Puniſhment of the Offenders of the ſaid Statutes.
10. A Parliament ſhall be holden once every Year.
11. No Subſidy ſhall be impoſed upon Woolls without Aſſent of Parliament.
12. For the Quarter Seſſions of the Peace.
13. Concerning Eſcheators.
14. Fines and Amerciaments of Labourers ſhall be to the Uſe of the Commons.
15. Pleadings ſhall be in the *Engliſh* Tongue, and entered in *Latin.*

36 *Edwardi* 3. *Stat.* 2.

THE King's general Pardon.

Anno 37 *Edwardi* 3.

1. CONfirmation of the Great Charter, the Charter of the Foreſt, and all Statutes before made.
2. For Writs of *Idemptitate nominis.*
3. For the Price of Poultry.
4. For Clerks of the Exchequer.
5. Againſt ingroſſing of Merchandizes.
6. For Handicraftſmen to hold them in one Occupation.
7. How Goldſmiths ſhall make their Silver Veſſels.
8, 9, 10, 11, 12, 13, 14, 15. Acts for Apparel.
16. An Act for Wines.
17. In what Caſe a Writ ſhall not be abated by Exception of Cognizance of Villenage.
18. How Suggeſtions are to be purſued, which are made to the King.
19. Concerning Hawks found.

Anno 38 *Edwardi* 3.

1. CONfirmation of the Great Charter, the Charter of the Foreſt, and all Statutes not repealed.
2. An Act licenſing all Merchants to buy any Merchandizes.
3. Fines ſhall be taken in the Preſence of the Pledges.
4. Certain penal Bonds in the Third Perſon ſhall be void.
5. Touching waging of Law in *London* againſt Papers.
6. The Penalty of Death put out for carrying Woolls over the Sea.
7. The Staple to be in *England.*
8. Ships not to be loſt for a little Thing therein not cuſtomed.
9. For Puniſhment of them that make Complaints to the King, and cannot prove them true.
10 & 11. For ſeeking Wine in *Gaſcoigne.*
12. Againſt Jurors, and Imbracers of Juries.

Other Statutes made in the ſame 38*th Year.* *Stat.* 2.

STATUTES made againſt Proviſors, containing Four Chapters.

Anno 42 *Edwardi* 3.

1. CONfirmation of the Great Charter, and the Charter of the Foreſt.
2. Confirmation of a Pardon.
3. Nonē to be put to anſwer, without Preſentment or other Thing of Record.
4. To whom Commiſſions of Inquiry ſhall be granted.
5. Concerning Eſcheators.
6. Confirmation of the Statute of Labourers.
7. That they of *London* ſell Victual at Retail, and none other.
8. That no *Engliſh* Merchants go to ſeek Wines in *Gaſcoigne.*
9. For levying of the Green Wax and Eſtreats.
10. Children born beyond the Sea within the King's Dominions ſhall inherit Lands in *England.*
11. For arraying of Panels of Inqueſts.

Anno 43 *Edwardi* 3.

1. FOR the Staple to be removed into *England.*
2. An Act licenſing *Engliſh*, *Iriſh*, and *Welſhmen*, being not Artificers, to buy Wines in *Gaſcoigne*, notwithſtanding the Statute of 42 *Ed.* 3. *c.* 8.
3. Againſt taking of Wines by the King's Butler.
4. The King's Pardon.

Anno 45 *Edwardi* 3.

1. CONfirmation of the Great Charter, and the Charter of the Foreſt.
2. For pulling down of Wears, Mills, and Kiddles.
3. A Prohibition ſhall be granted where a Suit is commenced in the Eccleſiaſtical Court for *Sylva cædua.*
4. No Impoſition ſhall be laid upon Woolls and Leather, other than the Cuſtom and Subſidy.

Rotulus Parliamenti, *Anno* 46 *Edwardi* 3.

Anno 47 *Edwardi* 3.

1. FOR Length and Breadth of Cloths.
2. The *Scottiſh* Groat current for Three Pence.

Anno 50 *Edwardi* 3.

1. CONfirmation of the Liberties of Holy Church.
2. Confirmation of the Great Charter, and the Charter of the Foreſt.
3. The King's Pardon in his Year of Jubilee.
4. After Conſultation, no Prohibition ſhall be awarded.
5. That no Miniſter of Holy Church be arreſted at Divine Service.
6. Gifts of Lands or Goods to defraud Creditors ſhall be void.
7. That Woollen Cloths be not carried out of the Realm till they be fulled.
8. That no Subſidy, nor Aulnage be levied of *Iriſh* Freeze.

Anno 1 RICHARDI II.

1. A Confirmation of the Liberties of the Church, the Great Charter, the Charter of the Foreſt, and of all Statutes not repealed.
2. Peace ſhall be kept, and Juſtice indifferently done to all Men.
3. All Statutes of Purveyors confirmed.
4. Againſt Maintenance of Quarrels.

5. Con-

5. Confirmation of the Statutes concerning the Exchequer; Puniſhment of a Clerk of the Exchequer making Proceſs for a Debt paid.
6. Againſt Villains that withdraw their Services.
7. Againſt giving of Liveries for Maintenance.
8. Touching Protections *cum clauſula Volumus*.
9. Gifts of Lands or Goods for Maintenance ſhall be void, and Aſſiſes ſhall lie againſt the Pernor of the Profits.
10. Confirmation of a Pardon granted in the Fifteenth Year of *Edward* the Third.
11. None that hath been Sheriff ſhall be Sheriff within Three Years after.
12. Touching Priſoners of the *Fleet* ſuffered to go at large.
13. Obligations made by Spiritual Men to do contrary to the Laws of the Church ſhall be void.
14. Concerning Tithes.
15. That no ſpiritual Perſon be arreſted during Divine Service.

Anno 2 *Richardi* 2.

1. THAT Merchants Strangers may ſafely bring any Merchandizes into this Realm.
2. Againſt foreſtalling of Wines.
3. For Merchants and others towards the Weſt Parts.
4. Againſt Mariners flying out of the King's Service without Licence.
5. Againſt Raiſers of falſe News or ſeditious Rumours.
6. Againſt *Welſhmens* taking away Women and Maids out of *England*, and other Abuſes.
7. *Urban* was duly choſen Pope, and ſo ought to be accepted and obeyed.
8. Confirmation of the Statutes of Labourers.

Other Statutes made the ſame Second Year. Stat. 2.

1. CONfirmation of the Liberties of the Church, the Great Charter, Charter of the Foreſt, and of all Statutes.
2. Repeal of ſo much of the Act made the laſt Parliament, as toucheth unlawful Aſſemblies in *Wales*.
3. For Proceſs to be made againſt them, which after Gifts made of their Lands and Goods by Colluſion, fly to Sanctuary.

Anno 3 *Richardi* 2.

1. CONfirmation of all Liberties and Statutes.
2. The Penalty of the Aulnager for ſealing faulty Cloth.
3. Againſt farming of Benefices of Aliens.

Anno 4 *Richardi* 2.

1. FOR the gauging of Wines, Oils, and Honey.
2. The King's Pardon.

Anno 5 *Richardi* 2.

1. CONfirmation of the Liberties of Holy Church, the Great Charter, the Charter of the Foreſt, and all other Statutes not repealed.
2. Againſt tranſporting Gold and Silver out of the Realm, and againſt Departure of the King's Subjects out of the Realm without Licence.
3. Againſt importing or tranſporting of Merchandiſes, but only in *Engliſh* Ships.
4. Concerning the Prices of Wines to be ſold in the Realm.
5. Sweet Wines and Claret not to be ſold by Retail in *England* after the Nativity of Saint *John*.
6. The King's Pardon to thoſe that repreſſed the late Rebellion.
7. Manumiſſions made by Menace at the late Inſurrection ſhall be void.
8. Againſt entering into Lands where it is not lawful.
9. Touching Deeds deſtroyed in the late Inſurrection.
10. Touching Diſcharges of Debts and Accompts in the Exchequer.
11. The Covenants of them that ſhall ſerve the King in his Wars or Embaſſages to be put in Writing, and returned into the Exchequer.
12. That Accompts in the Exchequer be ſhortly heard.
13. For two Clerks to be aſſigned to make Parcels of Accompts in the Exchequer.
14. That Accounts of *Nichil* be put out of the Exchequer.
15. Concerning the Clerk of the Pipe, and the two Remembrancers for the Entry of Writs of the Great and Privy Seal, and to make Schedules and Certificates.
16. Upon a Judgement of Livery, the Remembrancer ſhall cauſe the Suit to ceaſe.
17. The Fees of the Clerks of the Exchequer for making a Commiſſion or Record of *Niſi prius*.

Other Statutes made the ſame Fifth Year. Stat. 2.

1. FOR the well intreating of Merchants Strangers.
2. For paſſing of Woolls, Leather, and Fells.
3. A Subſidy granted to the King, ſo that it may be wholly imployed upon the ſafe keeping of the Seas.
4. For coming to the Parliament.
5. Againſt Preachers of Hereſies.

Anno 6 *Richardi* 2.

1. CONfirmation of all Liberties of the Church, *Magna Charta*, *Charta Foreſtæ*, with all Statutes not repealed.
2. For Actions to be purſued in their proper Counties.
3. In what Courts Writs of Nuſances called *Vicontiels*, ſhall be purſued.
4. Touching Deeds inrolled that were deſtroyed in the laſt Inſurrection.
5. For Seſſions to be holden by Juſtices of Aſſiſe and Gaol-delivery in the principal Towns.
6. Againſt Raviſhing of Women.
7. For Prices of ſweet Wines by Retail.
8. For Qualification of the Act touching the Navy, made 5 *Rich.* 2. *cap.* 3.
9. Victuallers to bear no Office in Towns where they dwell.
10. Aliens bringing Victuals into the Realm may ſell the ſame in Groſs or by Retail.
11. That Hoſts uſe no more foreſtalling of Victuals.
12. Mayors to be ſworn to keep the Ordinances of Fiſhmongers and Victuallers.
13. The King's Pardon touching the late Rebellion.

At another Parliament holden the ſame Sixth Year.

1. A Statute enlarging the ſame Pardon.
2. A Confirmation of the Statutes of Purveyors.
3. Releaſe of ſuch from Actions of Treſpaſs as can prove they were compelled to the late Inſurrection.
4. Actions of Treſpaſs to be brought within a limited Time.
5. The Number of Witneſſes to prove the Compulſion.

Anno 7 *Richardi* 2.

1. CONfirmation of the Liberties of the Church.
2. Confirmation of *Magna Charta*, the Charter of the Foreſt, and all Statutes not repealed.
3. For calling of Jurors within Foreſts.
4. Touching Impriſonment by Officers of the Foreſts.
5. Touching Night-walkers, Rogues, and Vagabonds.
6. Proclamation to be made Four Times yearly, by the Sheriffs, of the Statute of *Wincheſter*.
7. That *Niſi prius* be granted at the Suit of any of the Jurors, if the Parties, after the Diſtreſs Three Times ſerved, do refuſe it.
8. For Purveyors.

9. Againſt

The TITLES of the STATUTES.

9. Againſt Deceit of Cloths.
10. Touching Aſſiſe for Rent going out of Lands lying in two Counties.
11. The Statute of Victuallers, Fifth and Sixth of King *Richard*, repealed.
12. No Alien ſhall occupy any Benefice of the Church.
13. Againſt riding in Harneſs.
14. Concerning Attorneys of Defendants in Writs of *Præmunire facias*.
15. Againſt Champerty and Maintenance.
16. Againſt ſending Armour or Victual in *Scotland*.
17. For Mainpernors to ſatisfy the Plaintiff for his Delay, where the Defendant keepeth not his Day.

Anno 8 *Richardi* 2.

1. CONfirmation of the Liberties of the Church, Great Charter, the Charter of the Foreſt, and all Statutes.
2. That no Man of Law be Juſtice of Aſſiſe or Gaol-delivery in his own Country.
3. Neither the King's Juſtices, nor Barons of the Exchequer, ſhall take Fee or Reward, but of the King.
4. Againſt falſe entering of Pleas, raſing of Rolls, and changing of Verdicts.
5. Of the Juriſdiction of the Conſtable and Marſhal.

Anno 9 *Richardi* 2.

1. CONfirmation of all Statutes not repealed, ſaving of a Statute made 8 *R.* 2. *cap.* 3.
2. Touching Villains flying to Cities and Boroughs.
3. For Writs of Attaint and Error for them in the Reverſion.
4. Trial whether a Prior be dative and removeable, or perpetual.
5. For Fees of Prieſts taken in the Marſhalſey of the King's Houſe.

Anno 10 *Richardi* 2.

AN Act for the good Governance of the Realm.

Anno 11 *Richardi* 2.

1. THE Archbiſhop of *York* and others attainted of High Treaſon.
2. Clauſe to prevent fraudulent Conveyances of their Eſtates.
3. The Eſtates of the Biſhop of *Chicheſter* and others alſo forfeited.
4. The Penalty of concealing any Part of the ſaid Eſtates.
5. Iſſues in Tail, and Jointures of Women excepted.
6. Penalty of petitioning the King for any Grant of the ſaid Eſtates during the War.
7. All Merchants Aliens and Denizens may buy and ſell without Interruption.
8. Certain Annuities granted by the King, made void.
9. That no new Impoſitions be put upon Woolls, Leather, *&c.*
10. That no Letters from the King under the Signet or Privy Seal be ſent in Diſturbance of the Law.
11. For keeping Aſſiſes and Seſſions in chief Towns.

Anno 12 *Richardi* 2.

1. CONfirmation of the Liberties of the Church, the Great Charter, the Charter of the Foreſt, and of all Statutes not repealed.
2. Touching electing of Officers.
3. Confirmation of all Statutes for Labourers and Victuallers, and for Stocks to be in every Town, for Demeanour of Labourers.
4 & 5. For Wages for Labourers, and how they ſhall behave themſelves.
6. Concerning Weapons not to be worn by Artificers, and againſt unlawful Games to be uſed by them.
7. For Beggars.
8. Concerning ſuch as pretend themſelves to have been captive or maimed in foreign Countries.
9. Touching Vagabonds, and concerning Artificers and Labourers.
10. How many Juſtices of the Peace ſhall be in every County, and for holding of their Seſſions.
11. The Puniſhment of him that telleth Lies of the Peers or Great Officers of the Realm.
12. In what Caſes the Lords and Spiritual Perſons ſhall be contributary to the Expences of the Knights of Parliament.
13. For avoiding of Annoyances by caſting of Dung or Carrion into Ditches and other Places.
14. For the Meaſure of Cloths.
15. That none paſs out of the Realm to obtain any Benefice of Holy Church.
16. For removing the Staple from *Middleborough* to *Calais*.

Anno 13 *Richardi* 2.

1. THE King's Preſentee ſhall not be received into a Church full of an Incumbent, till he hath recovered it by Law.
2. Touching the Juriſdiction of the Conſtable of *England*.
3. The Juriſdiction of the Steward and Marſhals Court ſhall not exceed Twelve Miles from the King's Lodging.
4. Concerning the Duty of the Clerk of the Market of the King's Houſe.
5. Touching the Juriſdiction of the Admiral.
6. Touching Serjeants at Arms and their Office.
7. Touching the Office of Juſtices of Peace.
8. Touching Servants and Labourers, and for the Price of Victuals and Horſe Bread.
9. Touching Packing, and for true Weights and Meaſures.
10. The Length and Breadth of Cog-ware and *Kendal* Cloths.
11. Touching Cloths made in the Counties of *Somerſet*, *Glouceſter*, *Dorſet*, and *Briſtol*.
12. Touching Tanners and Cordwainers.
13. The Ability of ſuch as ſhall be permitted to hunt.
14. Touching Recognizances and double Bonds in the Exchequer.
15. Rejoining of Caſtles and Gaols to the Counties.
16. Touching Protections.
17. Where he in Reverſion may be received in a Suit commenced againſt the particular Tenant.
18. Touching Attaints in *Lincoln*.
19. For the Preſervation of Fiſh.
20. At what Ports Pilgrims ſhall paſs out of the Realm.

Other Statutes made the ſame Thirteenth Year.

1. TOuching Charters of Pardon.
2 & 3. Touching Proviſors.

An Ordinance to prevent Diſturbance in judicial Proceedings.

Anno 14 *Richardi* 2.

1. FOR removing the Staple from *Calais* to *England*.
2. Touching Exchanges to the Court of *Rome*.
3. The Mayor and Officers of the Staple ſhall be ſworn to the King.
4. Againſt regrating of Woolls.
5. Touching the carrying of Wooll and Lead out of the Realm by Strangers.
6. For the freighting of *Engliſh* Ships.
7. For the ſhipping of Tin only at *Dartmouth*.
8. Touching gauging of *Rheniſh* Wine.
9. That Merchant Strangers be well intreated.
10. No Cuſtomer nor Comptroller ſhall have Ship of his own, nor ſhall hold his Office but at the King's Pleaſure.

11. For the Number of Juſtices of Peace in every County, and their Wages.
12. At what Value *Scottiſh* Money ſhall be current.

Anno 15 *Richardi* 2.

1. Confirmation of former Statutes.
2. Againſt forcible Entries.
3. The Admirals Juriſdiction.
4. Touching the meaſuring Corn in *London*.
5. What is Mortmain.
6. In Appropriation of Churches there ſhall be Proviſion made for the Poor and a Vicar.
7. Touching carrying of Victuals or Merchandizes into *Scotland*.
8. For the ſhipping of Tin, and for Repeal of a Statute made 14 *Richardi* 2. *cap.* 7.
9. For the taking of Recognizances of the Staple.
10. Touching Cloth made in *Surry*, *Suſſex*, and *Southampton*.
11. Touching Girdlers.
12. Againſt anſwering before the Council of Lords and Ladies concerning Freehold.

Anno 16 *Richardi* 2.

1. Concerning Merchants Aliens retailing Merchandizes.
2. Againſt ſuch as compel any Perſons to appear before the Council of Lords and Ladies, to anſwer for their Freehold.
3. That the Clerk of the Market have Weights and Meaſures according to the Standard.
4. Touching Liveries.
5. *Premunire* for purchaſing Bulls from *Rome*.
6. Touching the obtaining Charters of Pardon.

Anno 17 *Richardi* 2.

1. Againſt the melting Money to make Plate, and prohibiting foreign Coins.
2. Touching Cloths.
3. Touching Tranſportation of Worſteds.
4. For the cleanſing of Malt ſold in *London*.
5. For certain Officers to have no Eſtate in their Offices for Life nor Years, but only at the King's Pleaſure.
6. For Damages for them that be vexed before the Counſel, or in the Chancery, upon untrue Suggeſtions.
7. Touching the carrying of Corn out of the Realm.
8. Againſt Riots and unlawful Aſſemblies.
9. That Juſtices of Peace be Conſervators of the Statutes for Preſervation of Salmon.
10. Two learned Men in the Law ſhall be in every Commiſſion of Gaol Delivery.
11. Aldermen of *London* ſhall not be elected yearly, but remain until they be put out for reaſonable Cauſe.
12. An Explanation of the Statute 28 *Edw.* 3. *cap.* 10. That the Mayor, Aldermen, *&c.* of *London*, ſhall not incur the Penalty of the ſaid Statute for erroneous Judgment.
13. The Ward of *Farringdon Without* ſhall elect an Alderman.

Anno 20 *Richardi* 2.

1. Againſt riding or going armed.
2. Touching Liveries.
3. That no Lords nor others ſit with Juſtices of Aſſiſe on the Bench.
4. That no Ship be compelled to come to any Port in *England*.
5. Againſt taking of Horſes without Warrant.
6. An Act licenſing *Belknap* and others to come into *England*.

Anno 21 *Richardi* 2.

1. Confirmation of the Liberties of Holy Church, and of all Cities, Boroughs, and Commonalties.
2. Repeal of the Commiſſion made to the Earl of *Arundel*, and others.
3. For the Forfeiture and Puniſhment of Traytors.
4, 5, 6, 7, 8, 9, 10, 11, 12, 13, & 14. Acts touching the King and Conſervation of the Realm.
15. The King's general Pardon.
16. Authority given to certain Commiſſioners to examine and anſwer Petitions.
17. Againſt Licenſes to ſhip Merchandizes of the Staple.
18. For carrying Laſtage of Stones to *Calais*, to repair the ſame.
19. Confirmation of Statutes made for pulling down of Wears.
20. Againſt them that purſue to reverſe any Thing made in this Parliament.

Anno 1 HENRICI IV.

1. Confirmation of all Charters, and of all Liberties of the Church, and Statutes heretofore made and not repealed.
2. For the Safeguard of them which came in with King *Henry* the Fourth.
3. Repeal of the Parliament in the 21ſt Year of King *Richard* the Second.
4. Confirmation of the Parliament holden in the 11th Year of King *Richard* the Second.
5. For Reſtitution of thoſe which were attainted in the 21ſt Year of *Richard* the Second.
6. Touching Letters Patents to be made by the King.
7. Touching Liveries.
8. For Relief of them that be put out of their Lands by Suggeſtion made to the King.
9. A Confirmation of Sales of Forfeitures made by Great Officers of King *Richard* the Second.
10. Touching Offences made Treaſon in the 21ſt Year of King *Richard* the Second.
11. How far Sheriffs ſhall be charged with the ancient Ferms of the County.
12. Confirmation of divers Statutes, made for pulling down of Wears.
13. Cuſtomers, Controllers, Searchers, *&c.* ſhall abide in their Offices during the King's Pleaſure.
14. Touching the Determination of Appeals.
15. For Redreſs of Errors and Miſpriſions in Government in the City of *London*.
16. That *Londoners* be free of packing of Cloths.
17. Aliens Victuallers ſhall be free to buy and ſell.
18. Touching Proceſs againſt ſuch of the County of *Cheſter*, which commit Felony in another Shire.
19. Touching the Duty upon Cloths.
20. The King's Pardon.

Anno 2 *Henrici* 4.

1. Confirmation of Statutes and Liberties.
2. An Expoſition of the Statute of 1 *H.* 4. *cap.* 6. concerning Gifts and Grants to be made by the King.
3. Againſt Proviſions made by the Court of *Rome*.
4. An Act prohibiting religious Perſons to purchaſe Bulls from *Rome*.
5. Againſt the Carriage of Money out of the Realm.
6. *Flemiſh* and *Scottiſh* Money ſhall be turned into Bullion.
7. Touching Nonſuits after Verdict againſt the Plaintiff.
8. The Fee of the Cyrographer of the Common Pleas for a Fine levied.

9. For Diſcharge of Commiſſions awarded in the Time of King *Richard*.
10. For Fees of the Clerk of the Crown of the King's Bench.
11. Touching the Juriſdiction of the Admiral Court.
12. *Welſhmen* ſhall not purchaſe Lands, nor bear Office.
13. The Pardon made the 21ſt of King *Richard* confirmed.
14. For Purveyors.
15. The Orthodoxy of the Faith of the Church of *England* aſſerted, and Proviſion made againſt the Oppugners of the ſame; with the Puniſhment of Hereticks.
16. For the Puniſhment of Thefts and other Diſorders of *Welſh* Men.
17. For the preſent Execution of *Welſh* Men committing Felonies in *England*.
18. For keeping Guards in the Caſtles in *Wales*.
19. Touching *Engliſh* Men convict by *Welſh* Men in *Wales*.
20. That *Welſh* Men ſhall not purchaſe Lands in *England*.
21. Touching Liveries.
22. Touching Suits contrary to the Statute 11th *Rich.* 2.
23. For the Fees of the Marſhal of the Marſhalſey of the King's Houſe.
24. For Diſcharge of Proceſs made againſt them that were in the King's Wages with the Duke of *York*, 23 *Rich.* 2.

Anno 4 *Henrici* 4.

1. CONfirmation of the Liberties of the Church, and of Cities, Boroughs, and Towns franchiſed, of the Great Charter, and the Charter of the Foreſt.
2. The Words *Inſidiatores viarum et depopulatores agrorum*, ſhall not be put in any Indictments, *&c.*
3. Touching Clerks Convict.
4. The King ſhall not grant Revenues of the Crown without Deliberation.
5. That the Sheriffs be reſident within their Bailiwicks.
6. For ſealing of Cloths.
7. Touching Actions againſt the Takers of the Profits of Lands.
8. In what Caſes a ſpecial Aſſize is maintainable againſt a Diſſeiſor with Force.
9. For Diſcharge of Commiſſioners diſtrained to return Commiſſions.
10. For Coinage of Halfpence and Farthings.
11. For granting Commiſſions for pulling down Wears and Kiddels.
12. In Appropriation of Churches there ſhall be Proviſion made for the Poor of the Pariſh, and the Vicar.
13. Confirmation of the Statutes, 1 *E.* 3. *c.* 5. & 25 *E.* 3. *c.* 8. touching Service in War.
14. For retaining Labourers.
15. That Merchants Aliens beſtow the Money which they receive within the Realm, upon Merchandizes of the Realm.
16. Againſt Carriage of Money or Plate out of the Realm.
17. Infants not to be received into the Order of Friars, without the Conſent of their Parents.
18. For Puniſhment of an Attorney found in Default.
19. No Officer of a Lord of a Franchiſe ſhall be an Attorney in the ſame.
20. For Cuſtomers and Comptrollers to be reſident upon their Offices.
21. For the Office of Searchers, and that they execute their Places in Perſon.
22. For Remedy of Incumbents put out by the King's Preſentees.
23. Againſt Examination of Judgments given in the King's Courts.
24. Touching Aulnage of Cloths.
25. Touching Hoſtellers and Victuallers.
26. That *Engliſh* Men be not convict by *Welſh* Men, nor marry with *Welſh* Women.
27. There ſhall be no Waſters, Vagabonds, *&c.* in *Wales*.
28. Againſt Congregations of *Welſh* Men.
29. Againſt bearing Armour in *Wales*.
30. Againſt ſending Armour or Victuals into *Wales*.
31. That *Welſh* Men have not the keeping of any Fortreſſes or Caſtles in *Wales*.
32. *Welſh* Men ſhall not bear certain Offices in *Wales*.
33. Caſtles and walled Towns in *Wales* ſhall be kept by *Engliſh* Men.
34. *Engliſh* Men married to *Welſh* Women ſhall bear no Office in *Wales*.
35. Concerning Tanners and Shoe-makers.

Anno 5 *Henrici* 4.

1. FOR the Forfeitures of the Lands of Sir *Henry* and Sir *Thomas Piercie*, and other Traitors.
2. Touching Charters of Pardon to be granted to Approvers.
3. For Watch to be kept upon the Sea Coaſts.
4. Multiplication of Gold or Silver made Felony.
5. Cutting out of Tongues, and putting out the Eyes of the King's Subjects, made Felony.
6. The Penalty for making Aſſault upon any Servant of a Knight in Parliament.
7. For the well intreating of Merchant Strangers.
8. In what Caſes the Defendant may be allowed to wage his Law, or plead to an Inqueſt.
9. For keeping of Gold and Silver within the Realm.
10. That Juſtices of the Peace impriſon Men in the common Gaols only.
11. For paying of Tithes by Farmers of Aliens Lands, although the Lands be ſeized in the King's Hands.
12. Execution may be awarded upon a Statute Merchant, after it is once ſhewed in Court.
13. What Things may be gilded.
14. For inrolling of Writs, whereupon Fines are levied.
15. The King's Pardon.

Anno 6 *Henrici* 4.

1. TOuching Firſt Fruits of Biſhopricks.
2. Touching Letters Patents to be made to the Queen and the King's Sons.
3. Commiſſions ſhall be ſent to inquire of the Accompts of Sheriffs and other Officers.
4. Touching the ſelling Merchandizes by Merchants Aliens.

Anno 7 *Henrici* 4.

1. CONfirmation of Liberties and Statutes not repealed.
2. For eſtabliſhing the Inheritance of the Crown.
3. The Rolls of Eſtreats ſhall be made certain.
4. Againſt Gaolers ſuffering Priſoners to eſcape.
5. For the Forfeiture of the Lands of the Earl of *Northumberland* and the Lord *Bardolfe*, attainted of Treaſon.
6. Againſt purchaſing Bulls to be diſcharged of Tithes.
7. For the true making of Arrow-heads.
8. Againſt Pardons to Benefices full of an Incumbent.
9. Cloths and Merchandizes may be ſold in groſs, as well to any of the King's Subjects, as to the Citizens of *London*.
10. For the Meaſure of Woollen Cloths.
11. Commiſſioners ſhall be diſcharged by their Oaths from certifying of Commiſſions.
12. For the Forfeiture of the Lands of *John* Earl of *Saliſbury* and Sir *Thomas Blunt*, and others, attainted of Treaſon.
13. Impotent Perſons, that be outlawed, may make Attornies.

14. Con-

14. Concerning Livery and Retainers.
15. The Manner of the Election of Knights of Shires for the Parliament.
16. Touching Payment of Annuities granted to the King's Servants.
17. For taking of Apprentices.
18. An Indemnity for the ſuppreſſing the late Riots.

Anno 9 *Henrici* 4.

1. CONfirmation of Liberties and Statutes not repealed.
2. Touching the Sealing of *Kendal* Cloth.
3. Touching Felonies in *South Wales*.
4. Touching *Diſclaimer* in Felonies in *Wales*.
5. Remedy where Lords of ancient Demeſnes, or Mayor or Bailiffs of Liberties, be named *Diſſeiſers*, to take away their Franchiſe.
6. Repeal of a Statute made 7 *Hen.* 4. *cap.* 10. touching the Length and Breadth of Cloths.
7. Goods ſhall be chargeable for the Payment of the *Quinzime*, where they were at the Time when the ſame was granted.
8. For free Elections, and againſt Tranſportation of Money.
9. Elections to Spiritual Promotions ſhall be free, and not interrupted by the Pope or the King.
10. A Pardon granted by the King to all that have purchaſed Proviſions or Tranſlations to Archbiſhopricks, Biſhopricks, *&c.*

Anno 11 *Henrici* 4.

1. THE Penalty on a Sheriff for making an untrue Return of the Election of the Knights of Parliament.
2. No common Hoſtler ſhall be Cuſtomer, Comptroller, or Searcher.
3. Touching Amendment of Records after Judgment.
4. Againſt Labourers uſing unlawful Games.
5. For the aboliſhing of Galley Halfpence.
6. Touching the Aulnage of Cloths.
7. Merchant Strangers ſhall pay Cuſtom for Cloths cut in ſmall Pieces.
8. Touching Exchanges of Money by Merchants.
9. Againſt taking Inqueſts not returned by the Sheriff.

Anno 13 *Henrici* 4.

1. CONfirmation of Liberties and Statutes not repealed.
2. Touching Juſtices of Aſſiſe and Gaol-delivery.
3. Confirmation of Statutes made againſt Liveries and Retainers.
4. Confirmation of Statutes touching Aulnage and Meaſuring of Cloths.
5. Cuſtomers and other Officers to be reſident upon their Offices.
6. Aboliſhing of Galley Halfpence.
7. Juſtices of the Peace and Sheriffs to arreſt ſuch as commit Riots or Routs, and to inquire of them and record their Offences.

Anno 1 HENRICI 5.

1. FOR Election of Knights and Burgeſſes of the Parliament.
2. Confirmation of former Statutes made for pulling down of Wears and Kiddels, *&c.*
3. Againſt Forgers of falſe Deeds.
4. To prevent Extortions of Sheriffs and their Bailiffs.
5. For Addition to be given, in caſe where Proceſs of Outlawry lieth.
6. *Engliſh* Mens Puniſhment of Miſdemeanors in *Wales* ſhall not be revenged.
7. Touching *French* Men beneficed in *England*.
8. To prevent the Repair of *Iriſh* Men into *England*.
9. Revocation of certain Grants of Lands and Offices in *Calais*.
10. By what Meaſure Purveyors ſhall take Corn.

Anno 2 *Henrici* 5.

1. POWER given to Ordinaries to inquire of the Government of Hoſpitals.
2. Touching Writs of *Certiorari* and *Corpus cum cauſa*, granted for Perſons in Execution.
3. For granting a Copy of a Libel in the Spiritual Court.
4. Touching Labourers, and of the Office of a Juſtice of the Peace.
5. Proceſs againſt Felons dwelling in *Tindale* and *Examſhire*.
6. Concerning the Obſervation of Truce and Safe Conducts.
7. For Reformation of Hereſy and Lollardy.
8. For ſuppreſſing of Riots, Routs, and unlawful Aſſemblies.
9. Touching Proceſs againſt Rioters that flee into Woods.

Other Statutes made the ſame ſecond Year.

1. WHAT Perſons ſhall be Juſtices of Peace.
2. For Wages of Prieſts.
3. For the Sufficiency of Jurors.
4. Touching Goldſmiths and Gilding of Silver Ware.
5. To prevent Rebellions of *Welſh* Men.
6. For Shipping of Staple Ware.

Anno 3 *Henrici* 5.

FOR aboliſhing of Galley Halfpence, Suſkins, and Dotkins.

Other Statutes made in the ſame Third Year.

1. CONfirmation of Liberties and Franchiſes, and Statutes not repealed.
2. Touching Abbots and Priors being Suitors to Courts Baron in *Yorkſhire* and *Lancaſhire*.
3. *Britons* not made Denizens ſhall depart the Realm.
4. All Proviſions, Licenſes, and Pardons, touching Benefices full of an Incumbent, ſhall be void.
5. Touching Attaints upon a falſe Verdict given in the City of *Lincoln*.
6 & 7. Againſt the clipping, waſhing, and filing of Money.
8. Touching Fees for Probates of Teſtaments.

Anno 4 *Henrici* 5.

1. CONfirmation of the Great Charter, the Charter of the Foreſt, and of Statutes not repealed.
2. For Sheriffs to have Allowance of certain Eſtreats upon their Accounts.
3. Touching Patten-makers.
4. Againſt taking of exceſſive Wages of Servants of Huſbandry.
5. Confirmation of the Statutes made 5 *H.* 4. *cap.* 7 *&* *cap.* 9. for Hoſts to be aſſigned to Merchant Strangers.
6. Touching Benefices granted to *Iriſhmen*.
7. In what Caſes Letters of Marque may be granted.
8. The King's Pardon.

Anno 5 *Henrici* 5.

ABBOTS and others may make Attornies until the next Parliament.

Anno 7 *Henrici* 5.

FOR appealing and indicting Men of *Lancaſhire*, *&c.* Proceſs againſt Makers, *&c.* of falſe Deeds.

Anno

The TITLES of the STATUTES.

Anno 8 *Henrici* 5.

1. THAT in the King's Abſence in *France* the *Teſte* of the Writs be in the Name of the Lieutenant.
2. For Bullion to be brought to the Mint by Merchants of the Weſt.
3. Touching Gilding and Silvering of divers Things.

Anno 9 *Henrici* 5.

1. TOuching Appeals and Indictments.
2. Touching Exigents againſt any in *Lancaſhire*.
3. Touching Protections for ſuch as ſerved the King in *Normandy*.
4. Touching the amending of Records.
5. For making of Sheriffs and Eſcheators.
6. Touching the Mint and Coinage at *Calais*.
7. Againſt the Men of *Riddeſdale* offending in *Northumberland*, and other Places.
8. Againſt Scholars of *Oxford* hunting by Night.
9. Abbots and other Religious Perſons diſcharged of Collection of *Diſmes* out of the County where they dwell.
10. Touching the Meaſure of Keels to carry Sea-Coals from *Newcaſtle*.
11. Againſt Waſhers and Clippers of Money.
12. Touching *Rocheſter* Bridge.

Other Statutes made in the ſame Ninth Year.

1. COnfirmation of all Statutes not repealed concerning Gold and Silver.
2. Concerning the Exchanges in *London*.
3. Touching the Payment of Exchange.
4. For bringing of the Money received for the Exchange to the *Tower*.
5. Touching the Mint at *Calais*.
6. For good Allay in the Monies.
7. For the Weight of Nobles, Half Nobles, and Farthings of Gold.
8. For Commiſſioners to inquire of Counterfeiters and Makers of falſe Weights.
9. Touching Exchange to the Court of *Rome*.
10. For Relief of the Collectors of *Diſmes* and *Quinziſmes*.
11. Certain Roads about *Abingdon* ſhall be repaired.

Anno 1 HENRICI VI.

1. TOuching the Mints at *York* and *Briſtol*.
2. That the Sheriff make Proclamation of the Statutes of Purveyors.
3. Againſt Riots by *Iriſhmen*.
4. Touching the Mint and Exchanges.
5. For the Gains of the Wars to be deducted for the Wages of ſuch as were retained to ſerve the King.
6. The Statute of 9 *H.* 5. *cap.* 9. touching Security for Exchanges to be made by Merchants of the Court of *Rome*, revived.

Anno 2 *Henrici* 6.

1. COnfirmation of Liberties granted to Holy Church, and to Cities and Boroughs.
2. Touching the Privileges of the Hoſpital of St. *Leonard* in *York*.
3. That *John* Duke of *Bedford*, being in the King's Wars in *France*, be received by his Attorney to defend his Right in any Action.
4. For the Staple at *Calais*.
5. Concerning Shipping of Woolls, *&c.*
6. Againſt carrying of Gold and Silver out of the Realm.
7. Againſt Cordwainers uſing the Myſtery of Tanners.
8. For expelling *Iriſhmen*.
9. For aboliſhing the Money called *Blanks*.
10. A Penalty on deceitful Workers of Gold and Silver Embroidery.
11. Concerning the Reverſal of Outlawries againſt Perſons in the King's Service.
12. The Juſtices to remove Nuiſances in the *Thames*.
13. For Officers in the King's Courts.
14. For the Meaſure of Veſſels of Wine, *&c.*
15. The Mint Maſter ſhall keep the Allay of White Money according to the Indenture.
16. For the Price of Silver Plate, and for the Increaſe of White Money.
17. Touching Goldſmiths ſelling Harneſs of Silver.
18. For Puniſhment of Servants, *&c.* taking unreaſonable Wages.
19. Againſt Nets and Engines in the *Thames*, and other Rivers.
20. Remedy for thoſe in Reverſion, where the particular Tenants have loſt by Default.
21. Perſons indicted of High Treaſon, eſcaping out of Priſon, ſhall be adjudged Traitors.

Anno 3 *Henrici* 6.

1. AGainſt Chapiters and Congregations of Maſons.
2. Againſt the carrying of Sheep into *Flanders*, and other Places beyond the Seas.
3. Againſt concealing of the King's Cuſtoms.
4. Touching the Tranſportation of Butter and Cheeſe.
5. Touching the River *Lee* running from *Ware* to *Thames*.

Anno 4 *Henrici* 6.

1. COncerning the Duty of Sheriffs and againſt the imbezilling of Writs.
2. For Protections of ſuch as ſerved in the King's Wars in *Normandy*.
3. Confirmation of an Act, 9 *Hen.* 5. *cap.* 4. for Amendments of Records.
4. Suits and Writs againſt certain Knights newly made, ſhall not abate.
5. Confirmation of the Statute 17 *R.* 2. *cap.* 7. touching Tranſportation of Corn.

Anno 6 *Henrici* 6.

1. TOuching Proceſs upon Indictments in the King's Bench.
2. How long Time Panells in Aſſiſes ſhall be delivered to the Parties before the Seſſions of the Juſtices.
3. Touching Wages of Huſbandmen, and Puniſhment of Labourers taking more.
4. Concerning the Election of Knights and Burgeſſes of the Parliament.
5. Concerning Sewers with the Form of the Commiſſion.
6. For ſhipping of Goods at *Melcomb Regis*, and conveying them to *Calais*.

Anno 8 *Henrici* 6.

1. FOR the Liberties of the Clergy coming to the Convocation.
2. For the Staple of *Denmark*.
3. Touching Sewers.
4. Againſt Retainers, and giving of Liberties.
5. For a common Balance and Weight to be in every City, Borough, and Market Town, and againſt the Buying of Woollen Yarn.
6. Againſt caſting of ſeditious and threatning Bills into Mens Houſes.
7. Concerning the Elections of Knights of the Parliament.
8. Touching the Wages of Labourers and Servants.
9. An Act to repreſs forcible Entries.
10. Concerning Proceſs upon Indictments and Appeals of Perſons dwelling in foreign Counties.

11. For

11. For taking of Apprentices by the Citizens of *London*.
12. For amending of Records, and againſt imbezilling them.
13. Touching Protections for ſuch as ſhall go over Sea with the King.
14. Againſt Felons and Murderers that hide themſelves in Woods.
15. For Amendment of Records.
16. Touching Inquiſitions taken by Eſcheators.
17. Concerning the Staple at *Calais*.
18. For Prices of Staple Wares, and for the Mint at *Calais*.
19. Againſt the privy Conveyance of Merchandizes out of the Realm.
20. Touching the Inhabitants of *Calais*, uſing to buy Staple Wares.
21. Repeal of all Licenſes granted to Men of *Newcaſtle* and *Berwick* for ſhipping to other Places than *Calais*.
22. Againſt clacking and forcing of Woolls.
23. Againſt cutting of Woollen Threads, and ſending them beyond Sea for Thrums.
24. Againſt Payments in Gold made to Merchants Aliens.
25. For the Continuance of the Mayor of the Staple in his Office for two Years.
26. For the Puniſhment of ſuch Defendants, as in Aſſiſes, or any perſonal Actions make Default, to put any Lords, Mayors, *&c.* from their Juriſdiction.
27. For the free Paſſage of Trows and other Veſſels through the River of *Severn* by the Inhabitants of *Tewkſbury*.
28. For erecting Two Bridges upon the Waters of *Burford* and *Culhamford*, in the Highway betwixt *Abington* and *Dorcheſter*.
29. For Inqueſts between Aliens and Denizens.

Anno 9 *Henrici* 6.

1. ACT for the Adjournment of Aſſiſes and *Niſi prius* during the Parliament.
2. *Engliſh* Merchants may ſell their Merchandiſes to Aliens, at Six Months Credit.
3. Confirmation of the Attainder of *Owen Glendour*.
4. An *Idemptitate nominis* ſhall be maintainable by Executors.
5. All Men may have free Paſſage in the River of *Severn*.
6. Concerning the Weights of the Borough of *Dorcheſter*.
7. Againſt the Extortion of the Sheriffs of the County of *Hereford*.
8. A Weigh of Cheeſe ſhall weigh Thirty-two Cloves, and every Clove Eight Pound.
9. For the cleanſing and ſcouring of the River of *Lee*.
10. Confirmation of the Statute 3 *H.* 5. *cap.* 2. concerning Attornies in Courts Baron for Abbots and religious Perſons.
11. Before a Writ of Baſtardy ſhall be awarded, Proclamations thereof ſhall be made in Chancery, *&c.*

Anno 10 *Henrici* 6.

1. FOR the Validity of Recognizances of Debts taken before the Mayor of *Calais*.
2. Touching the Election of the Knights of the Parliament.
3. For Repriſal of Goods taken by them of *Denmark*.
4. For the true Entry of Appearances by Philizers and Exigenters.
5. For Reparation of the Banks and Beacons at *Calais*.
6. Touching Proceſs upon Indictments and Appeals removed into the King's Bench.
7. Againſt the ſhipping of Staple Ware to other Places than to *Calais*.

Anno 10 *Henrici* 6. *Stat.* 2.

FOR the Wages of the Judges, King's Serjeant, *&c.*

Anno 11 *Henrici* 6.

1. ACT againſt Stewholders in *Southwark*, and prohibiting them to be impanelled upon Juries.
2. Againſt naming of Sheriffs Diſſeiſors in Aſſiſe.
3. An Aſſiſe or other Action ſhall be maintainable againſt the Pernours of the Profits.
4. Plaintiffs in Writs of Attaint ſhall recover Coſts and Damages.
5. He in the Reverſion may have Waſte againſt the Pernours of the Profits.
6. No Suit before Juſtices or Commiſſioners ſhall be diſcontinued by a new Commiſſion.
7. Continuation of an Act 9 *H.* 6. *cap.* 7. againſt the Extortion of Sheriffs of *Herefordſhire*.
8. Confirmation of the Statutes for true Weights and Meaſures.
9. The Length and Breadth of Cloths called Streits.
10. He which ſueth to defeat Execution of a Statute removed by *Corpus cum cauſa*, ſhall find Surety to ſatisfy both the King and the Party.
11. Againſt Aſſaults made upon Lords or others coming to the Parliament.
12. Concerning Wax Chandlers.
13. Confirmation of a Statute 8 *H.* 6. concerning the Staple, and for ſelling Wares for ready Money.
14. Againſt ſhipping of Staple Merchandizes in Creeks.
15. For Puniſhment of Cuſtomers which will not diſcharge the Merchant that hath paid his Cuſtom.
16. Againſt Cuſtomers making blank Cockets to Merchants.

Anno 14 *Henrici* 6.

1. THAT Juſtices of *Niſi prius* may give Judgment, as well where Traitors and Felons be acquitted, as where they be convicted.
2. Againſt Licenſes for ſhipping of Woolls.
3. The Aſſiſes for the County of *Cumberland* ſhall be holden at *Carliſle*.
4. Juſtices of Peace in *Middleſex* may keep their Seſſions but twice in the Year.
5. For ſhipping of Merchandizes only to the Staple.
6. For Aliens to ſell Victuals in Groſs or Retail.
7. Concerning taking of Prizes upon the Seas.
8. The Statute againſt the breaking of Safe Conducts and Truces ſuſpended.

Anno 15 *Henrici* 6.

1. CONcerning Suits before the Steward and Marſhal of the King's Houſe.
2. For carrying of Corn over the Seas.
3. The Clauſe *Vidimus* ſhall not be put in Safe Conducts.
4. None ſhall ſue forth a *Subpœna*, until he find Surety to ſatisfy the Defendant's Coſts and Damages, if he do not verify his Bill.
5. Touching the Sufficiency of Jurors returned in Writs of Attaint.
6. Againſt unlawful Orders made by Guilds and Fraternities.
7. Touching the Wapentakes of *Sandcliffe* and *Frendles*, in the County of *York*, and that religious Perſons may make Attornies in the Courts holden for theſe Places, and in all other ſuch Places.
8. Againſt Carriage of Staple Ware not cuſtomed.

Anno 18 *Henrici* 6.

1. LETTERS Patents ſhall bear the Date of the Delivery of the King's Warrant into the Chancery.
2. Such as have Gavelkind Lands to the Value of Twenty Pounds *per Annum*, may be returned for Jurors in Attaints.

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3. For the Tranſportation of Butter and Cheeſe to other Places than *Calais*.
4. Touching Merchandizes foreign bought and foreign ſold, and the Duty of the Hoſts of Merchants Strangers.
5. Touching Collectors of Diſmes and Fifteens.
6. No Lands ſhall be granted by Letters Patents, before the King's Title be found.
7. For returning of Offices by Eſcheators.
8. What Things are requiſite to make the King's Safe Conduct good.
9. Touching Entries by Philizers and Exigenters.
10. Commiſſions of Sewers ſhall be awarded during Ten Years.
11. None ſhall be Juſtices of Peace, unleſs he hath Lands to the yearly Value of Twenty Pounds.
12. Appeals or Indictments ſuppoſed in a Place where there is none ſuch, ſhall be void.
13. No man outlawed in *Lancaſhire* ſhall forfeit any other Lands or Goods, but ſuch as he hath in the ſame Shire.
14. Concerning the making of Arrays and Panells of Inqueſts.
15. Againſt the Carriage of Woolls to other Places than to *Calais*.
16. There ſhall be one Meaſure of Cloth through the Realm.
17. Touching the gauging of Veſſels of Wine, Oil, and Honey.
18. Concerning Captains abating Soldiers Wages.
19. Touching Soldiers departing without Licence from their Captains.

Anno 20 *Henrici* 6.

1. FOR the Inrollment of Safe Conducts.
2. Touching Outlawries in the County of *Lancaſter*.
3. For Puniſhment of *Welſh* Men for Robberies in the Counties adjoining.
4. Cuſtoms ſhall be paid by Perſons made Denizens as Merchants Aliens.
5. No Cuſtomer, Comptroller, *&c.* ſhall have any Ship, uſe Merchandize, keep a Wharf or an Inn, or be Factor.
6. Touching Shipping of Corn over the Sea.
7. Concerning not cuſtoming Goods brought firſt into *Wales*, and from thence into *England*.
8. The King's Purveyors taking Cattle to the Value of Forty Shillings or under, and not making preſent Payment, may be reſiſted.
9. The Order of Trial of Counteſſes, *&c.* by their Peers.
10. For making of Worſteds in *Norwich*.
11. For taking away the Pain of Treaſon in caſe of breaking of Safe Conducts.
12. For Reformation of Partition of Woolls by the Mayor of the Staple of *Calais*.

Anno 23 *Henrici* 6.

1. TOUCHING Purveyors.
2. Concerning the ſhipping of Woollen Thrums out of this Realm.
3. For the true making of Worſteds in *Norfolk*.
4. For taking Outlaws in *Wales* reſorting into *Herefordſhire*.
5. Confirmation of the Statute 13 *H.* 6. *cap.* 2. for conveying of Corn over the Sea.
6. Againſt gathering of Head-pence by the Sheriff of *Northumberland*.
7. None ſhall be Sheriff, Under-Sheriff, or Sheriff's Clerk, above One Year, except the City of *London*.
8. Concerning Commiſſions of Sewers.
9. Againſt Extortion of Sheriffs.
10. For levying of Knights Wages for the Parliament.
11. Touching the Trial of new foreign Pleas, pleaded after Iſſue joined.
12. Concerning Wages for Servants of Huſbandry and Labourers.
13. Againſt Purveyors.
14. Touching Election of Knights for the Parliament.
15. Touching Payment of Gauge-pence, and the Office of Gaugers.
16. Concerning Inqueſts to be taken by Eſcheators, and their Fees.
17. No new Impoſitions ſhall be laid upon them which buy Wines in *Gaſcoigne* and *Guien*.

Anno 25 *Henrici* 6.

AGainſt *Welſh* Men.

Anno 27 *Henrici* 6.

1. REſtraint of Importation of the Produce of *Brabant*, &c.
2. Confirmation of the Liberties of the Staple.
3. No Gold or Silver ſhall be carried out of the Realm by Merchants Aliens.
4. An Act againſt *Welſh* Men confirmed.
5. Againſt holding Fairs upon Feſtival Days and *Sundays*.
6. The King's Pardon to the Clergy.

Anno 28 *Henrici* 6.

1. REſtraint of Importation of the Produce of *Brabant*, &c.
2. Concerning Purveyors.
3. The King's Pardon to Sheriffs for occupying above a Year.
4. Touching *Welſh* Men and *Lancaſhire* Men taking Goods and Cattle under Colour of Diſtreſs.
5. Againſt Extortions by Searchers and Cuſtomers.

Anno 29 *Henrici* 6.

1. ATtainder of *Jack Cade*.
2. Touching Proceſs againſt Breakers of Truce.
3. For repealing of Letters Patents made to Citizens of *York*.

Anno 31 *Henrici* 6.

1. COnfirmation of the Attainder of *Jack Cade*.
2. Againſt Rioters diſobeying Privy Seals and the King's Proclamation.
3. Touching Attachments made by the Wardens of the Marches towards *Scotland*.
4. By what Means he ſhall obtain Remedy, who having a Safe Conduct, is robbed upon the Sea.
5. No Cuſtomer, Comptroller, Aulnager, *&c.* ſhall have any Eſtate certain in his Office.
6. For the making perpetual the Statute of 20 *H.* 6. *cap.* 2. touching the Forfeiture of thoſe which be outlawed in *Lancaſhire*.
7. Exceptions out of the general Reſumption.
8. An Act qualifying a Subſidy before granted to the King of Woolls, Fells, and Cloth tranſported.
9. A Remedy for a Woman which is forced againſt her Will to be bound by Statute or Obligation.

Anno 33 *Henrici* 6.

1. ARemedy for Executors againſt Servants, which imbezzel their Maſters Goods after his Death.
2. Repeal of an Act 31 *H.* 6. *cap.* 6. for Outlawries in *Lancaſhire*.

3. Againſt

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3. Againſt Extortions of the Officers of the Exchequer.
4. Concerning Brewers in *Kent*.
5. Touching Silk-women.
6. Concerning the Abbot of *Fountaine* in *Yorkſhire*.
7. Touching the Number of Attorneys in *Norfolk*, *Suffolk*, and *Norwich*.

Anno 39 *Henrici* 6.

1. REvocation of a Parliament holden at *Coventry*, 20 *die Novembris*, *Anno* 37 *H.* 6.
2. Women of the Age of 14 Years, at the Death of their Anceſtors, ſhall have Livery of their Lands.

THE

THE

STATUTES at Large, &c.

MAGNA CHARTA.

The GREAT CHARTER,

Made in the Ninth Year of King Henry *the Third, and confirmed by King* Edward *the First, in the Five and twentieth Year of His Reign.*

Ex Rot. in Turr. Lond. *m.* 39, 40.

EDWARDUS Dei gratia Rex Angl' Dominus Hibernie & Dux Acquit' Omnibus ad quos preſentes littere pervenerint ſalutem. Inſpeximus Magnam Cortam domini H. quondam regis Angl' patris noſtri de Libertatibus Angl' in hec verba. HENRICUS Dei gratia Rex Ang' Dominus Hibern' Dux Norman' Acquit' & Comes Andegav' Archiepis' Epis' Abbatibus Prioribus Comitibus Baronibus Vicecomitibus Prepoſitis Miniſtris & omnibus ballivis & fidelibus ſuis preſentem cartam inſpectur ſalutem. Sciatis quod nos intuitu Dei & pro ſalute anime noſtre & animarum anteceſſorum & ſucceſſorum noſtrorum ad exaltationem ſancte eccleſie & emendationem regni noſtri ſpontanea & bona voluntate noſtra dedimus & conceſſimus Archiepiſcopis Epis' Abbatibus Prioribus Comitibus Baronibus & omnibus de regno noſtro has libertates ſubſcriptas tenendas in regno noſtro Angl' imperpetuum.

EDWARD by the grace of God King of *England*, Lord of *Ireland*, and Duke of *Guyan*, to all * *Archbiſhops*, *Biſhops*, &c. We have ſeen the Great Charter of the Lord *Henry*, ſometimes King of *England*, our father, of the Liberties of *England*, in theſe words: 'HENRY by the grace 'of God, King of *England*, Lord of *Ireland*, Duke of 'Normandy and *Guyan*, and Earl of *Anjou*, to all Arch-'biſhops, Biſhops, Abbots, Priors, Earls, Barons, She-'riffs, Provoſts, Officers, and to all Bailiffs and other 'our faithful Subjects, which ſhall ſee this preſent 'Charter, Greeting. Know ye that we, unto the Ho-'nour of Almighty God, and for the ſalvation of the 'ſouls of our progenitors and ſucceſſors † *Kings of* 'England, to the advancement of holy Church, and 'amendment of our Realm, of our meer and free 'will, have given and granted to all Archbiſhops, Bi-'ſhops, Abbots, Priors, Earls, Barons, and to all free-'men of this our realm, theſe liberties following, to 'be kept in our kingdom of *England* for ever.'

* Orig. *To whom theſe Preſents ſhall come, Greeting.*

Co. Lit. 81. Statutes of Confirmation. 52 H. 3. c. 5. 25 Ed. 1. *ſtat.* 1. c. 1, 2, 3, & 4. 28 Ed. 1. ſtat. 3. c. 1. 1 Ed. 3. ſtat. 2. c. 1.

† *Not in Orig.*

2 Ed. 3. c. 1. 4 Ed. 3. c. 1. 5 Ed. 3. c. 1, 9. 10 Ed. 3. ſtat. 1. c. 1. 14 Ed. 3. ſtat. 1. c. 1. 15 Ed. 3. *ſtat.* 1. c. 1. 28 Ed. 3. c. 1. 31 Ed. 3. ſtat. 1. c. 1. 36 Ed. 3. *ſtat.* 1. c. 1. 37 Ed. 3. c. 1. 38 Ed. 3. ſtat. 1. c. 1. 42 Ed. 3. c. 1. 45 Ed. 3. c. 1. 50 Ed. 3. c. 2. 1 Rich. 2. c. 1. 2 Rich. 2. *ſtat.* 2. c. 1. 5 Rich. 2. *ſtat.* 1. c. 1. 6 Rich. 2. *ſtat.* 1. c. 1. 7 Rich. 2. c. 2. 8 Rich. 2. c. 1. 12 Rich. 2. c. 1. 1 Hen. 4. c. 1. 2 Hen. 4. c. 1. 4 Hen. 4. c. 1. 7 Hen. 4. c. 1. 9 Hen. 4. c. 1. 13 Hen. 4. c. 1. 4 Hen. 5. c. 1.

CAP. I.

A Confirmation of Liberties.

IN primis conceſſimus Deo & hac preſenti carta noſtra confirmavimus pro nobis & heredibus noſtris imperpetuum quod eccleſia Anglicana libera ſit & habeat omnia jura ſua integra & libertates ſuas illeſas. Conceſſimus etiam [a] & dedimus omnibus

'FIRST, We have granted to God, and by this 'our preſent Charter have confirmed, for us and 'our Heirs for ever, That the Church of *England* 'ſhall be free, and ſhall have all her whole rights and 'liberties inviolable. (2) We have granted alſo, and

2 Inſt. 1.

[a] Deſunt '& dedimus' in Recordo Dunelmenſi.

Ex Rot. in Turr. Lond.

Confirmed by 52 H. 3. c. 5. and 42 Ed. 3. c. 1.

'given to all the free-men of our realm, for us and 'our Heirs for ever, theſe liberties underwritten, to 'have and to hold to them and their Heirs, of us and 'our Heirs for ever.'

liberis hominibus regni noſtri pro nobis & heredibus noſtris imperpetuum has libertates ſubſcriptas habendas & tenendas eis & heredibus ſuis de nobis & heredibus noſtris [a] imperpetuum.

CAP. II.

The Relief of the King's Tenant of full Age.

7 Co. 33. 9 Co. 124. 40 Ed. 3. f. 9. Co. Lit. 76. a. 83. b. 106. a. 2 Inſt. 5.

'IF any of our Earls or Barons, or any other, which holdeth of Us in chief by Knights ſervice, die and 'at the time of his death his heir be of full age, and 'oweth to us Relief, he ſhall have his inheritance by 'the old Relief; that is to ſay, the heir or heirs of an 'Earl, for a whole Earldom, by one hundred pounds; 'the heir or heirs of a Baron, for an whole Barony, 'by one hundred marks; the heir or heirs of a Knight, 'for one whole Knights fee, one hundred ſhillings at 'the moſt; and he that hath leſs, ſhall give leſs, ac- 'cording to the old cuſtom of the fees.'

3 Bulſtr. 325. Bract. 84. a. *Rendered obſolete by* 12 Car. 2. c. 24. *which takes away Knights ſervice, &c.*

SI quis Comitum vel Baronum noſtrorum ſive aliorum tenentium de nobis in capite per ſervitium militare mortuus fuerit & cum deceſſerit heres ejus plene etatis fuerit & relevium debeat habeat hereditatem ſuam per antiquum relevium ſcilicet heres vel heredes Comitis de [b] Comitatu integro per centum libras heres vel heredes Baronis de Baronia integra per Centum [c] marcas heres vel heredes militis de feodo Militis integro per Centum ſolidos ad plus & qui minus [d] habuerit minus det ſecundum antiquam conſuetudinem feodorum.

CAP. III.

The Wardſhip of an Heir within Age. The Heir a Knight.

Hob. 46. Fitz. Gard. 136, 142, 156. 25 Ed. 4. f. 10. Plowd. f. 267. 6 Co. 73. 8 Co. 173. 2 Inſt. 10. 12 Co. 81.

'BUT if the Heir of any ſuch be within age, his 'Lord ſhall not have the ward of him, nor of his 'land, before that he hath taken of him homage. '(2) And after that ſuch an heir hath been in ward '(when he is come to full age) that is to ſay, to the 'age of one and twenty years, he ſhall have his inhe- 'ritance without Relief, and without Fine; ſo that if 'ſuch an heir, being within age, be made Knight, 'yet nevertheleſs his land ſhall remain in the keeping 'of his Lord unto the term aforeſaid.'

F. N. B. fo. 269. *Obſ.* by 12 Car. 2. c. 24. *which takes away Wardſhip, &c. by reaſon of Tenure.*

SI autem heres alicujus talium infra etatem fuerit dominus ejus non habeat cuſtodiam ejus nec terre ſue antequam homagium ejus ceperit & poſt quam talis heres fuerit in cuſtodia cum ad etatem pervenerit ſcilicet viginti & unius anni habeat hereditatem ſuam ſine relevio & ſine fine. Ita tamen quod ſi ipſe dum infra etatem fuerit fiat Miles nichilominus terra remaneat in cuſtodia dominorum ſuorum uſque ad terminum predictum.

CAP. IV.

No Waſte ſhall be made by a Guardian in Wards Lands.

Raſt. pl. 693. Fitz. Waſt. 15. 24, 138, 146. Co. Lit. 54. a. 12 H. 4. f. 53. 2 Inſt. 12.

'THE keeper of the land of ſuch an heir, being 'within age, ſhall not take of the Lands of the 'heir, but reaſonable iſſues, reaſonable cuſtoms, and 'reaſonable ſervices, and that without deſtruction and 'waſte of his men and his goods. (2) And if we com- 'mit the cuſtody of any ſuch land to the Sheriff, or to 'any other, which is anſwerable unto us for the iſſues 'of the ſame land, and he make deſtruction or waſte 'of thoſe things that he hath in cuſtody, we will take 'of him amends * *and recompence therefore*, (3) and the 'land ſhall be committed to two lawful and diſcreet 'men of that fee, which ſhall anſwer unto us for the 'iſſues of the ſame land, or unto him whom we will 'aſſign. (4) And if we give or ſell to any man the 'cuſtody of any ſuch land, and he therein do make 'deſtruction or waſte, he ſhall loſe the ſame cuſtody; 'and it ſhall be aſſigned to two lawful and diſcreet 'men of that fee, which alſo in like manner ſhall be 'anſwerable to us, as afore is ſaid.'

* *Not in Orig.*

Enforced by 6 Ed. 1. c. 5. *And ſee* 28 Ed. 1. *Stat.* 3. c. 18. 34 Ed. 3. ſtat. 1. c. 13. 36 Ed. 3. *ſtat.* 1. c. 13. *The three laſt Statutes reſtraining Eſcheators from Waſte, Obſ. by* 12 Car. 2. c. 24.

CUſtos terre hujuſmodi heredis qui infra etatem fuerit non capiat de terra heredis niſi rationabiles exitus & rationabiles conſuetudines & rationabilia ſervicia & hoc ſine deſtructione & vaſto hominum & rerum. Et ſi nos commiſerimus cuſtodiam alicujus talis terre vicecomiti vel alicui alii qui de exitibus terre illius nobis debeat reſpondere & ille de cuſtodia deſtructionem vel vaſtum fecerit nos ab eo capiemus emendam & terra committatur duobus legalibus & diſcretis hominibus de feodo illo qui de exitibus terre illius nobis reſpondeant vel illi cui illos aſſignaverimus. Et ſi dederimus vel vendiderimus alicui cuſtodiam alicujus talis terre & ille inde deſtructionem fecerit vel vaſtum amittat illam cuſtodiam & tradatur duobus legalibus & diſcretis hominibus de feodo illo qui ſimiliter nobis reſpondeant ſicut predictum eſt.

[a] Deeſt 'imperpetuum,' ib. [b] 'Baronia comitis integra,' ib. [c] 'Libras,' ib. [d] 'Debuerit,' ib.

CAP.

CAP. V.

Guardians shall maintain the Inheritance of their Wards: of Bishopricks, &c.

Ex Rot. in Turr. Lond.

CUstos autem quamdiu custodiam terre [a] hujusmodi habuerit sustentet domos parcos [b] vivaria stagna Molendina & cetera ad terram illam pertinentia de exitibus terre ejusdam & reddat heredi cum ad plenam etatem pervenerit terram suam totam instauratam de carucis & de omnibus aliis rebus ad minue [c] sicut illam recepit. Hec omnia observentur de custodiis Archiepiscopatuum Episcopatuum Abbathiarum Prioratuum ecclesiarum & dignitatum vacantium que ad nos pertinent excepto quod custodie hujusmodi vendi non debent.

'THE keeper, so long as he hath the custody of the land of such an heir, shall keep up the houses, parks, warrens, * ponds, † mills, and other things pertaining to the same land, with the issues of the said land; and he shall deliver to the Heir, when he cometh to his full age, all his land stored with ploughs, and all other things, at the least as he received it. All these things shall be observed in the custodies of Archbishopricks, Bishopricks, Abbeys, Priories, Churches, and Dignities vacant, which appertain to us; except this, that such custody shall not be sold.' 10 H. 7. f. 30. 2 Inst. 14.

* Add *Fish.*
† Add *Pools.*
No Waste shall be committed in Wards Lands.

Enforced by 3 Ed. 1 c. 21. *See* 36 Ed. 3. c. 13. *restraining Escheators from Waste.* *as to Abbeys, &c.*

Obs. by 12 Car. 2. c. 24. *so far as it relates to Wardships by reason of Tenure, and by* 31 H. 8. c. 13.

CAP. VI.

Heirs shall be married without Disparagement.

HEredes maritentur absque disparagatione.

'HEirs shall be married without Disparagement.' Co. Lit. 80. 2 Inst. 15. *Enforced by* 20 H. 3. c. 6.

CAP. VII.

A Widow shall have her Marriage, Inheritance, and Quarentine. The King's Widow, &c.

VIdua post mortem mariti sui statim & sine difficultate aliqua habeat maritagium suum & hereditatem suam nec aliquid det pro dote sua [d] nec pro maritagio suo vel pro hereditate sua quam hereditatem maritus suus & ipsa tenuerunt [e] simul die obitus ipsius mariti [f] sui & maneat in capitali Mesuagio mariti sui per quadraginta dies post obitum mariti sui infra quos dies assignetur ei dos sua nisi prius fuerit ei assignata vel nisi domus illa sit Castrum & si de castro recesserit domus ei competens statim provideatur in qua possit honeste morari quousque dos sua ei assignetur [g] secundum quod predictum est & habeat rationabile estoverium suum interim de communi Assignetur autem ei pro dote sua tertia pars totius terre mariti sui que sua fuit in vita sua nisi de minori fuerit dotata ad Hostium ecclesie. Nulla vidua distringatur ad se maritandam dum voluerit vivere sine marito Ita tamen quod securitatem faciet quod se non maritabit sine assensu nostro si de nobis tenuerit vel sine assensu domini sui si de alio tenuerit.

'A Widow, after the death of her husband, incontinent, and without any Difficulty, shall have her marriage, and her inheritance, (2) and shall give nothing for her dower, her marriage, or her inheritance, which her husband and she held the day of the death of her husband, (3) and she shall tarry in the chief house of her husband by forty days after the death of her husband, within which days her dower shall be assigned her (if it were not assigned her before) or that the house be a castle; (4) and if she depart from the castle, then a competent house shall be forthwith provided for her, in the which she may honestly dwell, until her dower be to her assigned, as it is aforesaid; and she shall have in the mean time her reasonable estovers of the common; (5) and for her dower shall be assigned unto her the third part of all the lands of her husband, which were his during coverture, except she were endowed of less at the Church-door. (6) No widow shall be distrained to marry herself: * nevertheless she shall find surety, that she shall not marry without our licence and assent (if she hold of us) nor without the assent of the Lord, if she hold of another.' Hobart 153. Dyer, f. 76. Plow. 32. Bro. Dower, 191. Regist. fol. 175. Co. Lit. 32. b. 2 Inst. 16. 19 H. 6. f. 14. *See* 17 Ed. 2. c. 4. *for the Oath of Widows who hold in Capite, not to marry without the King's Licence.*
* Add *While she chooses to live single.*
Fitz. Dower, 194. 196.

Enforced and amended by 20 Hen. 3. c. 1. *which gives Damages to Widows who are deforced of Dower.*

CAP. VIII.

How Sureties shall be charged to the King.

NOS vero vel Ballivi nostri non seisiemus terram aliquam [h] vel redditum pro debito alicujus quamdiu catalla debitoris presentia sufficiunt ad debitum reddend' & ipse debitor paratus sit inde satisfacere. Nec plegii ipsius debitoris distringantur quam diu ipse capitalis debitor sufficiat ad solutionem [i] ipsius debiti & si capitalis debitor defecerit in solutione debiti non habens unde reddat aut reddere

'WE or our Bailiffs shall not seise any land or rent for any debt, as long as the present Goods and Chattels of the debtor do suffice to pay the debt, and the debtor himself be ready to satisfy therefore. (2) Neither shall the pledges of the debtor be distrained, as long as the principal debtor is sufficient for the payment of the debt. (3) And if the principal debtor fail in payment of the debt, having nothing Plowd. 440. 2 Inst. 28.

[a] Deest 'hujusmodi,' ib. [b] Deest 'vivaria,' ib. [c] 'secundum quod,' ib. [d] 'vel,' ib. [e] Deest 'simul,' ib. [f] Deest 'sui,' ib. [g] 'sicut,' ib. [h] 'nec,' ib. [i] Deest 'ipsius,' ib.

Regiſt. 158.

'wherewith to pay, or will not pay where he is able, the pledges ſhall anſwer for the debt. (4) And if they will, they ſhall have the lands and rents of the debtor, until they be ſatisfied of * *that* which they before paid for him, except that the † debtor can ſhew himſelf to be acquitted againſt the ſaid ſureties.'

*Orig. *The Debt.* † Add *Principal.*

Ex Rot. in Turr. Lond.

nolit cum poſſit plegii [a] de debito reſpondeant & ſi voluerint habeant terras & redditus debitoris quoſque ſit eis ſatisfactum de debito quod ante pro eo ſolverunt niſi capital' debitor monſtraverit ſe inde eſſe quietum verſus eoſdem plegios.

Infra, c. 18. *See* c. 10. *diſſolved* 33 H. 8. c. 39. *for the Erection of a Court of Surveyors, and for the more effectual Recovery of the King's Debts; which Court was by* 1 *M. Seſſ.* 2. *and annexed to the Exchequer.*

CAP. IX.

The Liberties of *London*, and other Cities and Towns confirmed.

* Read *their.* Cro. Car. 251. † *Not in Orig.* 45 Ed. 3. f. 26. 5 H. 7. f. 10, 19. 11 H. 7. f. 21. 5 Co. 63. 8 Co. 125. 2 Inſt. 20. 3 Bulſtr. 2. Mirror 311.

'THE city of *London* ſhall have all * *the* old liberties and cuſtoms, † *which it hath been uſed to have.* Moreover we will and grant, that all other Cities, Boroughs, Towns, and the Barons of the Five Ports, and all other Ports, ſhall have all their liberties and free cuſtoms.'

CIvitas London' habeat omnes [b] libertates ſuas antiquas & conſuetudines ſuas. Preterea volumus & concedimus quod omnes Civitates alie & Burgi & ville & Barones de quinque portubus & omnes portus habeant omnes libertates & liberas conſuetudines ſuas.

CAP. X.

None ſhall diſtrain for more Service than is due.

1 Roll. 164. 2 Roll. 182. 10. Co. 108. Fitz. Avowry, 96, 157, 200.

'NO man ſhall be diſtrained to do more ſervice for a Knight's fee, nor any freehold, than therefore is due.'

NUllus diſtringatur ad faciendum majus ſervitium de feodo Militis nec de alio libero tenemento quam inde debitur.

Plowd. 243. 14 Hen. 7. f. 14. Fitz. Brief, 661, 881, 882. Fitz. Prærog. 28. F. N. B. f. 15. 2 Inſt. 21.

CAP. XI.

Common Pleas ſhall not follow the King's Court.

Co. Lit. 71. a. Plow. 244. 2 Inſt. 21. 12 Co. 59.

'COmmon Pleas ſhall not follow our Court, but ſhall be holden in ſome place certain.'

COmmunia placita non ſequantur Curiam noſtram ſet teneantur in aliquo loco certo.

Regiſt. 187. *Confirmed by* 28 Ed. 1. *ſtat.* 3. c. 4. 4 Inſt. 99. 11 Co. 75. Hale's C. L. ed. *Run.* 164.

CAP. XII.

Where and before whom Aſſiſes ſhall be taken. Adjournment for Difficulty.

12 Co. 31, 52. 13 Co. 8. Fitz. Aſſize, 21. * Read *We, or if we be out,* &c. 8 Co. 57. Fitz. Mortdanc. 2, 2, 53. 24 Ed. 3. f. 23. 1 Anderſon 230. 2 H. 4. f. 1, 20. 2 Inſt. 24.

Regiſt. 197. *Enforced and amended by* 13 Ed. 1. ſtat. 1. *the Chancellor and*

'ASſiſes of *novel diſſeiſin*, and *Mortdanceſter*, ſhall not be taken but in the ſhires, and after this manner: * If we be out of this Realm, our chief Juſticers ſhall ſend our Juſticers through every County once in the Year, which, with the Knights of the ſhires, ſhall take the ſaid Aſſiſes in thoſe counties; (2) and thoſe things that at the coming of our foreſaid Juſticers, being ſent to take thoſe Aſſiſes in the counties, cannot be determined, ſhall be ended by them in ſome other place in their circuit; (3) and thoſe things, which for difficulty of ſome articles cannot be determined by them, ſhall be referred to our Juſticers of the Bench, and there ſhall be ended.'

REcognitiones de nova diſſeiſina & de morte anteceſſoris non capiantur niſi in ſuis Comitatibus & hoc modo: Nos vel ſi extra regnum fuerimus capitalis Juſtic' noſter mittemus Juſtic' [c] noſtros per unumquemque Comitatum ſemel in anno qui cum militibus Comitatuum capiant in Comitatibus aſſiſas predictas & illa que in illo adventu ſuo in Comitatus per Juſtic' noſtros predictos ad dictas aſſiſas capiendas miſſos terminari non poſſunt per eoſdem terminentur alibi in itinere ſuo & ea que per eoſdem propter difficultatem aliquorum articulorum terminari non poſſunt referantur ad Juſtic' noſtros de Banco & ibi terminentur.

c. 30. *See* 6 *Ricb.* 2. *ſtat.* 1. c 5. *ordaining that Juſtices of Aſſize ſhall hold their Seſſions in principal Towns. And* 11 *Ricb.* 2. c. 11. *providing that Juſtices ſhall have power to appoint where Aſſizes ſhall be held.*

CAP. XIII.

Aſſiſes of *Darrein Preſentment.*

Regiſt. 30. *See* 13 Ed. 1. ſtat. 1. c. 30. *which ordains*

'ASſiſes of *Darrein Preſentment* ſhall be always taken before our Juſtices of the Bench, and there ſhall be determined.'

ASſiſe de ultima preſentatione ſemper capiantur coram Juſticiar' de Banco & ibi terminentur.

that theſe Aſſizes ſhall be determined in their own Shire. And ſee 52 *H.* 3. c. 12. 32 *H.* 8. c. 21. § 7. *and* 16 *Car.* 1. c. 6. § 1. *what Days ſhall be given in Aſſizes of* Darrein Preſentment.

[a] 'Pro,' ib. [b] 'Antiquas libertates et liberas conſuetudines ſuas,' ib. [c] Deeſt 'noſtros,' ib.

CAP.

CAP. XIV.

How Men of all Sorts ſhall be amerced, and by whom.

Ex Rot. in Turr. Lond.

LIber homo non amercietur pro parvo delicto [a] niſi ſecundum modum ipſius delicti & pro magno delicto ſecundum magnitudinem delicti ſalvo contenemento ſuo & mercator eodem modo ſalva mercandiſa ſua & villanus alterius quam noſter eodem modo amercietur ſalvo wanagio ſuo ſi inciderit in manum noſtram. Et nulla predictarum miſericordiarum ponatur niſi per ſacramentum proborum & leg' hominum de viſneto. Comites & Barones non amercientur niſi per pares ſuos & non niſi ſecundum modum delicti. Nulla eccleſiaſtica perſona amercietur ſecundum quantitatem beneficii ſui eccleſiaſtici ſet ſecundum laicum tenementum ſuum & ſecundum quantitatem delicti.

'A Free-man ſhall not be amerced for a ſmall fault, but after the manner of the fault; and for a great fault after the greatneſs thereof, ſaving to him his contenement; (2) and a Merchant likewiſe, ſaving to him his Merchandiſe; (3) and any other's villain than ours ſhall be likewiſe amerced, ſaving his wainage, if he fall into our mercy. (4) And none of the ſaid amerciaments ſhall be aſſeſſed, but by the oath of honeſt and lawful men of the vicinage. (5) Earls and Barons ſhall not be amerced but by their Peers, and after the manner of their offence. (6) No man of the Church ſhall be amerced after the quantity of his ſpiritual Benefice, but after his Lay-tenement, and after the quantity of his offence.'

Mirror 312. *Confirmed by* 4 Ed. 3. c. 6. Regiſt. 184, 187. 1 Roll. 74, 446. Br. Amercement, 2, 25, 32, 33, 53, 65. 10 H. 6. fo. 7. 7 H. 6. fo. 13. 19 Ed. 4. fo. 9. 2 Bulſtr. 140. 3 Bulſtr. 279. Mirror 312. 21 Ed. 4. fo. 77. 8 Co. 38, 59. 3 Inſt. 27. *See* 34 *Ed.* 3. *c.* 1. *ordaining, that Fines for Treſpaſſes ſhall be reaſonable: and* 1 *W. & M. Seſſ.* 2. *c.* 2. § 11. *declaring exceſſive Fines and cruel puniſhments to be illegal. And likewiſe Grants of Fines before Conviction.*

CAP. XV.

Making of Bridges and Banks.

NEC villa nec [b] Liber homo diſtringatur facere pontes ad riparias niſi qui [c] ab antiquo & de jure facere [d] debent.

'NO Town nor Freeman ſhall be diſtrained * to make Bridges nor Banks, but ſuch as of old time and of right have accuſtomed to make them in the time of King *Henry* our Grandfather.'

2 Inſt. 29. * To make Bridges at Rivers.

Matter of Doubt, whether this marginal Alteration is proper to be adopted: The Original appears to ſpeak of Banks as well as Bridges; and if, inſtead we read aut Riparias, *as it is printed in* 2 Inſt. *the Paſſage will be perfectly intelligible, and the old Tranſlation juſt. It is true, in ſome Statutes, the* Word Ripariæ, *as Lord* Coke *explains it, ſignifies the Water or River running between the Banks, and there Mr.* Cay's *Alteration appears to be very proper. But here, as his Lordſhip obſerves, it ſeems to be ſynonimous with* Ripas, *and in this Senſe likewiſe it ſeems to be taken by the Author of the* Mirrors des Juſtices. *Beſides, the Phraſe of making* Bridges at Rivers, *may perhaps be deemed a Redundancy of Expreſſion.*

It may be of ad Riparias,

CAP. XVI.

Defending of Banks.

NUlle riparie defendantur decetero niſi ille que fuerunt in defenſo tempore H. Regis Avi noſtrie per eadem loca & eoſdem terminos ſicut eſſe conſueverunt tempore ſuo.

'NO * Banks ſhall be defended from henceforth, but ſuch as were in defence in the time of King Henry our Grandfather, by the ſame places, and the ſame bounds, as they were wont to be in his time.'

2 Inſt. 30. * Rivers. *See the Note to the foregoing Chapter, and Lord* Coke's *Expoſition of this Chapter, P.* 30.

CAP. XVII.

Holding Pleas of the Crown.

NUllus Vicecomes Conſtabularius [e] Coronatur vel alii Ballivi noſtri teneant placita corone noſtre.

'NO Sheriff, Conſtable, Eſcheator, Coroner, nor any other our Bailiffs, ſhall hold Pleas of our Crown.'

2 Inſt. 30. Mirror 313. 3 Bur. 1860.

CAP. XVIII.

The King's Debtor dying, the King ſhall be firſt paid.

SI aliquis tenens de nobis laicum feodum moriatur & Vicecomes vel Ballivus noſter oſtendat litteras noſtras patentes de ſummonitione noſtra de debito quod defunctus nobis debuit liceat Vicecomiti vel Ballivo noſtro attachiare & imbreviare [f] omnia bona & catalla defuncti inventa in laico feodo ad valentiam illius debiti per viſum legalium hominum Ita tamen quod nichil [g] inde amoveatur donec per ſolvatur nobis debitum quod clarum fuerit & reſiduum relinquatur executoribus ad faciendum teſtamentum defuncti & ſi nichil nobis debeatur ab ipſo

'IF any that holdeth of us Lay-fee, do die, and our Sheriff or Bailiff do ſhew our Letters Patents of our ſummon for Debt, which the dead man did owe to us; it ſhall be lawful to our Sheriff or Bailiff to attach and inroll all the goods and chattels of the dead, being found in the ſaid † fee, to the Value of the ſame Debt, by the ſight ‡ *and teſtimony* of lawful men, ſo that nothing thereof ſhall be taken away, until we be clearly paid off the debt; (2) and the reſidue ſhall remain to the Executors to perform the teſtament of the dead; (3) and if nothing be owing

Raſt. Ent. f. 541. Co. Ent. f. 564. Fitz. Detinue, 52, 56, 58, 60. Bro. Ration. 2, 5, 6. 2 Inſt. 32. † Add *Lay*. ‡ *Not in Orig*. Supra, cap. 8.

[a] 'ſet,' ib. [b] Deeſt, 'liber,' ib. [c] 'ex,' ib. [d] 'Debet,' ib. [e] 'Coronatores,' ib. [f] Deſunt, 'omnia bona, &,' ib. [g] Deeſt 'inde,' ib.

'unto,

'unto us, all the chattels shall go to the use of the dead (saving to his wife and children their reasonable parts.)'

See 33 H. 8. c. 39. *for the Erection of a Court of Surveyors, and for the more effectual Recovery of the King's Debts; which Court was, by* 1 *M. Sess.* 2. c. 10. *dissolved, and annexed to the Exchequer.*

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omnia catalla cedunt defuncto salvis uxori ejus & pueris ipsius rationabilibus partibus suis.

CAP. XIX.

Purveyance for a Castle.

Mirror 313. 2 Inst. 33.

Enforced by 3 Ed. 1. c. 7. *Altered by* 13 Car. 2. stat. 1. c. 8.

'NO Constable, nor his Bailiff, shall take corn or other chattels of any man, if the man be not of the Town where the Castle is, but he shall forthwith pay for the same, unless that the will of the seller was to respite the payment; (2) and if he be of the same Town, the price shall be paid unto him within forty days.'

NUllus Constabularius vel ejus ballivus capiat blada vel alia catalla alicujus qui non sit de villa ubi castrum situm est nisi statum reddat denarios inde aut respectum inde habere possit de voluntate venditoris Si autem de ipsa villa fuerit infra quadraginta dies precium reddat.

CAP. XX.

Doing of Castle-ward.

Co. Inst. 70. a. 2 Inst. 34.

'NO Constable shall distrain any Knight to give money for keeping of his Castle, if he himself will do it in his proper person, or cause it to be done by another sufficient man, if he may not do it himself for a reasonable cause. (2) And if we lead or send him to an army, he shall be free from Castle-ward for the time that he shall be with us in fee in our host, for the which he hath done service in our wars.'

NUllus Constabularius distringat aliquem Militem ad dand' denar' pro custodia castri si ipse eam facere voluerit in propria persona sua vel per alium probum hominem [a] fac' si ipse eum facere non possit propter rationabilem causam. Et si nos [b] adduxerimus vel miserimus eum in exercitum [c] sit quietus de custodia secundum quantitatem temporis quo per nos fuerit in exercitu de feodo pro quo fecit servicium in exercitu.

See 32 *H.* 8. c. 48. *concerning Lands holden of Dover-Castle.*

Obs. by 12 Car. 2. c. 24.

CAP. XXI.

Taking of Horses, Carts, and Wood.

2 Inst. 34. 3 Bulstr. 4.

Enforced by 14 Ed. 3. *stat.* 1. c. 19. and 25 Ed. 3. stat. 5. c. 6. *Altered by* 13 Car. 2. stat. 1. c. 8.

'NO Sheriff nor Bailiff of ours, or any other, shall take the Horses or Carts of any man to make carriage, except he pay the old price limited, that is to say, for carriage with two horses, x. *d.* a day; for three horses, xiv. *d.* a day. (2) No demesne Cart of any Spiritual person, or Knight, or any Lord, shall be taken by our Bailiffs; (3) nor we, nor our Bailiffs, nor any other, shall take any man's wood for our Castles, or other our necessaries to be done, but by the licence of him whose wood it shall be.'

NUllus vicecomes vel ballivus noster vel [d] aliquis alius capiat equos vel carettas alicujus procariagio faciendo nisi reddat liberationem antiquitus statutam scilicet pro [e] una caretta ad duos equos decem denar' per diem & pro caretta ad tres equos quatuordecem denar' per diem. Nulla caretta dominica alicujus ecclesiastice persone vel Militis vel alicujus domine per ballivos [f] nostros capiatur. Nec nos nec Ballivi nostri nec alii capiemus boscum alienum ad castra vel [g] ad alia agenda nostra nisi per voluntatem illius cujus boscus ille furit.

giving Power to chief Officers of his Majesty's Carriages to provide Carts, &c. by Warrant from the Green Cloth. And see 13 & 14 *Car.* 2. c. 20. *giving Power to Officers of the Navy to press Carriages, &c. for the Use of the Navy and Ordnance. See likewise the yearly Mutiny Act.*

CAP. XXII.

How long Felons' Lands shall be holden by the King.

2 Inst. 36. Mirror 3.

'WE will not hold the Lands of them that be convict of Felony but one year and one day, and then those Lands shall be delivered to the Lords of the fee.'

NOS non tenebimus terras illorum qui convicti fuerint de felonia nisi per unum annum & unum diem & tunc reddantur terre [h] ille dominis feodorum.

CAP. XXIII.

In what Places Wears shall be put down.

10 Co. 138. 13 Co. 35. *Confirmed and amended by* 12 Ed. 4. c. 7. *which inflicts Penalty on Offenders.* 2 Inst. 38.

'ALL Wears from henceforth shall be utterly put down by *Thames* and *Medway*, and through all *England*, but only by the Sea-coast.'

OMnes kidelli deponantur decetero penitus per Tamisiam & Medeweyam & per totam Angl' nisi per costeram maris.

a Deest 'fac', ib. b 'Duxerimus,' ib. c 'Quietus de custodia erit,' ib. d Deest 'aliquis,' ib. e Deest 'una,' ib. f 'Prædictos,' ib. g D. 'ad,' ib. h D. 'ille,' ib.

CAP.

CAP. XXIV.

In what Caſe a *Præcipe in Capite* is not grantable.

Ex Rot. in Turr. Lond.

BReve quod vocatur *Præcipe* decetero non fiat alicui de aliquo [a] libero tenemento unde liber homo perdat Curiam ſuam.

'THE Writ that is called *Præcipe in capite* ſhall be from henceforth granted to no perſon of any freehold, whereby any freeman may loſe his Court.'

38 Ed. 3. f. 15. 13 Co. f. 42. F. N. B. fol. 5, 12, 39. h. 2 Inſt. 39.

CAP. XXV.

There ſhall be but one Meaſure throughout the Realm.

UNA Menſura vini ſit per totum regnum noſtrum & una menſura ceruiſie & una menſura bladi per ſcilicet quarter' London' & una latitudo pannorum tinctorum Ruſſettorum & haubergettorum ſcilicet due ulne infra Liſtas. De ponderibus vero ſit [b] ſicut de menſuris.

'ONE meaſure of Wine ſhall be through our Realm, and one meaſure of Ale, and one meaſure of Corn, that is to ſay, the Quarter of *London*; and one breadth of dyed Cloth, Ruſſets, and Haberjects, that is to ſay, two Yards within the liſts. (2) and it ſhall be of Weights as it is of Meaſures.'

2 Inſt. 40. *Confirmed and amended by* 14 Ed. 3. ſtat. 1. c. 12. *Amended by* 27 Ed. 3. ſtat. 2. *See farther* c. 10. *which inflicts Penalty on Offenders. Confirmed and farther amended by* 8 H. 6. c. 5. 11 H. 7. c. 4. 16 Car. 1. c. 19. *and* 22 Car. 2. c. 8. *Index*, tit. *Weights and Meaſures.*

CAP. XXVI.

Inquiſition of Life and Member.

NIchil decetero detur pro brevi inquiſitionis ab eo qui inquiſitionem petit de vita vel [c] de membris ſet gratis concedatur & non negetur.

'NOthing from henceforth ſhall be given for a Writ of Inquiſition, nor taken of him that prayeth Inquiſition of Life, or of Member, but it ſhall be granted freely, and not denied.'

2 Inſt. 41. *Amended by* 3 Ed. 1. c. 11. *Altered by* 6 *Ed.* 1. *ſtat.* 1. c. 9. 13 Ed. 1. ſtat. 1. c. 29. Mirror 314. Regiſt. 133, 134. *And ſee* 28 *Ed.* 3. *c.* 9. *which takes away this Writ of Inquiſition, otherwiſe called the* Writ de Odio & Atia.

CAP. XXVII.

Tenure of the King in Socage, and of another by Knights Service. Petit Serjeanty.

SI [d] aliqui teneant de nobis per feodi firmam vel per ſocagium vel [e] burgagium & de alio teneant terram per ſervicium militar' nos non habebimus cuſtodiam heredis nec terre [f] ſue que eſt de feodo alterius occaſione illius feodi firme vel ſocagii vel burgagii nec habebimus cuſtodiam illius feodi firme vel ſocagii vel Burgagii niſi ipſa feodi firma debeat ſervicium militare. Nos non habebimus cuſtodiam heredis vel alicujus terre quam tenet de [g] aliquo alio per ſervicium militare occaſione alicujus parve [h] ſerjantie quam tenet de nobis per ſervicium reddendi nobis cultellos vel ſagittas vel hujuſmodi.

'IF any do hold of us by Fee-ferm, or by Socage, or Burgage, and he holdeth Lands of another by Knights Service, we will not have the cuſtody of his heir, nor of his Land, which is holden of the Fee of another, by reaſon of that Fee-ferm, Socage, or Burgage. (2) Neither will we have the cuſtody of ſuch Fee-ferm, or Socage, or Burgage, except Knights Service be due unto us out of the ſame Fee-ferm. (3) We will not have the cuſtody of the Heir, or of any Land,* by occaſion of any Petit Serjeanty, that any man holdeth of us by ſervice to pay a Knife, an Arrow, or the like.'

Bro. Tenures, 69. Fitz. Gard. 145. 2 Inſt. 43.

**Which be holdeth of another by Knight's Service. Obſ. This Tenure being abolished by* 12 Car. 2. c. 24.

CAP. XXVIII.

Wager of Law ſhall not be without Witneſs.

NUllus Ballivus decetero ponat aliquem ad legem manifeſtam [i] nec ad juramentum ſimplici loquela ſua ſine teſtibus fidelibus ad hoc inductis.

'NO Bailiff from henceforth ſhall put any man to his open Law, nor to an Oath, upon his own bare ſaying, without faithful Witneſſes brought in for the ſame.'

Fitz. Ley, 78. Bro. Ley, 37. 2 Inſt. 44.

CAP. XXIX.

None ſhall be condemned without Trial. Juſtice ſhall not be ſold or deferred.

NUllus liber homo [k] capiatur vel impriſonetur aut diſſeiſiatur de libero tenemento ſuo vel libertatibus vel liberis conſuetudinibus ſuis aut utla-

'NO Freeman ſhall be taken, or impriſoned, or be diſſeiſed of his Freehold, or Liberties, or free Cuſtoms, or be outlawed or exiled, or any other-

5 Co. 64. 10 Co. 74. 11 Co. 99. 2 Inſt. 45.

[a] Deeſt 'libero,' ib. [b] 'Ut,' ib. [c] D. 'de,' ib. [d] 'Aliquis teneat,' ib. [e] 'Per burgagium,' ib. [f] 'Alicujus,' ib. [g] D. 'aliquo,' ib. [h] 'Serjanterie,' ib. [i] 'Vel,' ib. [k] 'De cetero capiatur aut,' ib.

Regiſt. 186. Mirror 314. 1 Anderſ. 58. 2 Bulſtr. 328. 3 Bulſtr. 47. Wood's Inſt. 613, 614.

' wiſe deſtroyed; *nor will we paſs upon him, nor condemn him* *, but by lawful Judgment of his Peers, or by the Law of the Land. (2) We will ſell to no man, we will not deny, or defer, to any man, either Juſtice or Right.'

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getur aut exulet aut aliquo [a] modo deſtruatur nec ſuper eum ibimus nec ſuper eum mittemus niſi per legale judicium parium ſuorum vel per legem terre. Nulli vendemus nulli negabimus aut differemus rectum vel juſticiam.

Enforced by 2 Ed. 3. c. 8. *Confirmed by* 5 Ed. 3. c. 9. 14 Ed. 5. *ſtat.* 1. c. 14. *Confirmed and amended by* 25 Ed. 3. ſtat. 5. c. 4. 28 Ed. 3. c. 3. 37 Ed. 3. c. 18. 42 Ed. 3. c. 3. 11 R. 2. c. 10. *See* 4 H. 7. c. 12. *giving Directions to Juſtices of the Peace, and* 16 Car. 1. c. 10. *for taking away the Star-Chamber.* 1 Roll. 208, 209, 225. 12 Co. 50, 63, 93.

* *The Words above, marked in Italicks, do by no means expreſs the Senſe of the Original. The two Verbs,* Ibimus *and* Mittemus *evidently ſtand in Contradiſtinction to each other, and are indeed much eaſier expounded than tranſlated; therefore, we cannot do better than recur to Lord* Coke's *Expoſition, which is as follows:*——' *No Man ſhall be condemned at the King's Suit, either before the King in his Bench, where the Pleas are* Coram ' Rege, *(and ſo are the Words* nec ſuper eum ibimus, *to be underſtood) nor before any other Commiſſioner or Judge whatever (and ſo are the Words* ' Nec ſuper eum mittemus, *to be underſtood.')*

CAP. XXX.

Merchant Strangers coming into this Realm ſhall be well uſed.

2 Inſt. 57. 12 Co. 33. 2 Roll. 115. 2 Bulſtr. 134.

' ALL Merchants (if they were not openly prohibited before) ſhall have their ſafe and ſure Conduct to depart out of *England*, to come into *England*, to tarry in, and go through *England*, as well by Land as by Water, to buy and ſell, without any manner of evil Tolts, by the old and rightful Cuſtoms, except in Time of War. (2) And if they be of a land, making War againſt us, and ſuch be found in our Realm at the beginning of the Wars, they ſhall be attached without harm of body or goods, until it be known unto us, or our Chief Juſtice, how our Merchants be intreated there in the land making War againſt us; (3) and if our Merchants be well intreated there, theirs ſhall be likewiſe with us.'

OMnes mercatores niſi publice antea prohibiti fuerint habeant ſalvum & ſecurum [b] conductum exire de Angl' & venire in Angl' & morari & ire per Angl' tam per terram quam per aquam ad amend' & vendend' ſine omnibus toltis malis per antiquas & rectas conſuetudines preterquam in tempore guerre & ſi ſint de terra contra nos guerrina & [c] tales inveniantur in terra noſtra in principio guerre attachientur ſine dampno corporum vel rerum donec ſciatur a nobis vel a capitali Juſtic' noſtro quomodo Mercatores terre noſtre tractentur qui tunc inveniuntur in terra illa contra nos guerrina & ſi noſtri ſalvi ſint ibi alii ſalvi ſint in terra noſtra.

Confirmed and amended by 9 Ed. 3. ſtat. 1. c. 1. 14 Ed. 3. *ſtat.* 2. c. 2. 25 Ed. 3. ſtat. 4. c. 2.

2 R. 2. ſtat. 1. c. 1. 11 R. 2. c. 7. *To theſe may be added,* 2 Ed. 3. c. 9. *which confirms this chap.* 16 *Rich.* 2. c. 1. *which puts Merchant Strangers under ſome Reſtrictions.* 5 *H.* 4. *c.* 7. 4 *H.* 5. *c.* 5. *And* 12 *H.* 7. *c.* 6. *concerning Merchant Adventurers.*

CAP. XXXI.

Tenure of a Barony coming into the King's Hands by Eſchete.

Bro. Livery, 58. * Add *Lancaſter.* Bro. Tenures, 57, 61, 94, 99. 26 H. 8. pl. 3. 2 Inſt. 14.

' IF any man hold of any Eſchete, as of the honour of *Wallingford*, *Nottingham*, *Boloin*, * or of any other Eſchetes which be in our hands, and are Baronies, and die, his Heir ſhall give none other Relief, nor do none other Service to us than he ſhould to the Baron, if it were in the Baron's hand. (2) And we in the ſame wiſe ſhall hold it as the Baron held it; neither ſhall we have, by occaſion of any ſuch Barony or Eſchete, any Eſchete or keeping of any of our men, unleſs he that held the Barony or Eſchete otherwiſe held of us in chief.'

SI quis tenuerit de aliqua eſcaeta ſicut de honore Wallingford' Bolonie Nottingh' [d] Lancaſtr' vel aliis eſcaetis que ſunt in manu noſtra & ſint Baronie & obierit heres ejus non det aliud relevium nec faciat nobis aliud ſervicium quam faceret Baroni ſi illa eſſet in manu Baronis & nos eodem modo eam tenebimus quo Baro eam tenuit Nec nos occaſione talis Baronie vel eſcaete habebimus aliquam eſcaetam vel cuſtodiam aliquorum noſtrorum hominum niſi de nobis alibi tenuerit in capite ille qui tenuit baroniam vel eſcaetam.

Regiſt. 184. *Enforced by* 1 Ed. 3. ſtat. 2. c. 13. and 1 Ed. 6. c. 4. *Rendered obſ. by* 12 *Car.* 2. *c.* 24. *which takes away Tenures in capite.*

CAP. XXXII.

Lands ſhall not be aliened to the Prejudice of the Lord's Service.

Co. Lit. 43. a. 2 Inſt. 65. *Altered by* 18 Ed. 1. ſtat. 1. c. 2. *Obſ. by* 12 *Car.* 2. *c.* 24.

' NO Freeman from henceforth ſhall give or ſell any more of his Land, but ſo that of the reſidue of the Lands the Lord of the Fee may have the Service due to him, which belongeth to the Fee.'

NUllus liber homo det decetero amplius alicui vel vendat de terra ſua quam ut de reſiduo terre ſue ſufficientur poſſit fieri domino feodi ſervitium ei debitum quod pertinet ad feodum illud.

CAP. XXXIII.

Patrons of Abbies ſhall have the Cuſtody of them in the time of Vacation.

Confirmed by 25 Ed. 3. ſtat. 3. c. 1. 2 Inſt. 68. *Obſ. by* 31 *H.* 8. *c.* 13. *for the Diſſolution of Monaſteries and Abbeys.*

' ALL Patrons of Abbies, which have the King's Charters of *England* of Advowſon, or have old Tenure or Poſſeſſion in the ſame, ſhall have the Cuſtody of them when they fall void, as it hath been accuſtomed, and as it is afore declared.'

OMnes patroni Abbathiarum qui habent cartas regum Anglie de advocatione vel antiquam tenuram vel poſſeſſionem habeant earum cuſtodiam cum vacaverint ſicut habere debent & ſicut [e] ſuperius declaratum eſt.

[a] 'Alio modo' ib. [b] 'conductum,' ib. [c] 'Si tales,' ib. [d] 'Bolon. Lancaſtr. vel aliis quæ ſunt,' ib. [e] 'Supra,' ib.

CAP.

CAP. XXXIV.

In what Caſe only a Woman ſhall have an Appeal of Death.

Ex Rot. in Turr. Lond.

NUllus capiatur aut impriſonetur propter appellum femine de morte alterius quam viri ſui.

'NO Man ſhall be taken or impriſoned upon the Appeal of a Woman for the Death of any other, than of her huſband.'

Bro. Appeal, 5, 17, 60, 68, 104, 112. Raſt. Ent. 43.

CAP. XXXV.

At what Time ſhall be kept a County Court, Sheriff's Turn, and a Leet.

NUllus Comitatus decetero teneatur niſi de menſe in menſem & ubi major terminus eſſe ſolebat major ſit. Nec aliquis Vicecomes vel Ballivus [a] ſuus faciat tornum ſuum per Hundredum niſi bis in anno & non niſi in loco debito & conſueto videlicet ſemel poſt Paſch' & iterum poſt feſtum ſancti Michaelis. Et viſus de franco plegio tunc fiat ad illum terminum ſancti Michaelis ſine occaſione Ita ſcilicet quod quilibet habeat libertates ſuas quas habuit [b] vel habere conſuevit tempore H. Regis Avi noſtri vel quas poſtea perquiſivit fiat autem viſus de franco plegio ſic videlicet quod pax noſtra teneatur & quod [c] theothinga teneatur integra ſicut eſſe conſuevit & quod Vicecomes non querat occaſiones & quod contentus ſit [d] de eo quod Vic' habere conſuevit de viſu ſuo faciendo tempore H. Regis Avi noſtri.

'NO County Court from henceforth ſhall be holden, but from Month to Month; and where greater time hath been uſed, there ſhall be greater: Nor any Sheriff, or his Bailiff, ſhall keep his Turn in the Hundred but twice in the Year; and no where but in due place, and accuſtomed; that is to ſay, once after *Eaſter*, and again after the Feaſt of Saint *Michael*. And the View of Frankpledge ſhall be likewiſe at the Feaſt of Saint *Michael* without occaſion; ſo that every man may have his Liberties which he had, or uſed to have, in the time of King HENRY our Grandfather, or which he hath purchaſed ſince: but the View of Frankpledge ſhall be ſo done, that our Peace may be kept; and that the Tything be wholly kept as it hath been accuſtomed; and that the Sheriff ſeek no Occaſions, and that he be content with ſo much as the Sheriff was wont to have for his View-making in the time of King HENRY our Grandfather.'

Fitz. Leet, 11. 8 H. 7. f. 4. 1 Roll. 201. Cro. El. 125. 2 Leon. 74.

Regiſt. 175, 187. F. N. B. 161. *Enforced and amended by* 31 Ed. 3. ſtat. 1. c. 15.

CAP. XXXVI.

No Land ſhall be given in Mortmain.

NEC liceat decetero alicui dare terram ſuam domui religioſe ita quod illam reſumat de eadem domo tenendam. Nec liceat alicui domui religioſe terram alicujus ſic accipere quod tradat illam illi a quo eam recepit tenendam. Si quis autem decetero terram ſuam alicui domui religioſe ſic dederit & ſuper hoc convincatur donum ſuum penitus caſſetur & terra illa domino [f] illius feodi incurratur.

'IT ſhall not be lawful from henceforth to any to give his Lands to any Religious Houſe, and to take the ſame Land again to hold of the ſame Houſe. Nor ſhall it be lawful to any Houſe of Religion to take the Lands of any, and to leaſe the ſame to him of whom he received it. If any from henceforth give his Lands to any Religious Houſe, and thereupon be convict, the Gift ſhall be utterly void, and the Land ſhall accrue to the Lord of the Fee.'

Fitz. Mortm. 1, 3. Bro. Mortm. 36. 2 Inſt. 74.

Enforced and amended by 7 Ed. 1. ſtat. 2. 13 Ed. 1. ſtat. 1. c. 32. [18 *Ed.* 1. *ſtat.* 1. 39 El. c. 5. *Mortmain.*

c. 3.] 27 Ed. 1. ſt. 2. [18 *Ed.* 3. *ſtat.* 3. *c.* 3.] 15 R. 2. c. 5. and 23 H. 8. c. 10. *Altered by* 1 & 2 Ph. & M. c. 8. *permitting Gifts in Mortmain.* 21 Jac. 1. c. 1. 13 & 14 Car. 2. c. 12. *for erecting Hoſpitals, &c.* 7 & 8 *W.* 3. *c.* 37. *giving the Crown Power to grant Licences to alien in Mortmain.* And 9 Geo. 2. c. 36. *reſtraining Gifts in Mortmain by Will.* See *Index*, tit. *Mortmain.*

CAP. XXXVII.

A Subſidy in reſpect of this Charter, and the Charter of the Foreſt, granted to the King.

SCutagium decetero capiatur ſicut capi [g] conſuevit tempore H. Regis Avi noſtri. Et ſalve ſint Archiepis' Epis' Abbatibus Prioribus Templar' Hoſpitelar' Comitibus Baronibus & omnibus aliis tam eccleſiaſticis perſonis quam ſecularibus [h] omnes libertates & libere conſuetudines quas prius habuerunt. Omnes autem conſuetudines & libertates predictas quas conceſſimus in regno noſtro tenendas quantum ad nos pertinet *erga noſtros* Omnes de regno noſtro tam clerici quam laici obſervent quantum ad ſe pertinet *erga ſuos*. Pro hac autem donatione & conceſſione libertatum iſtarum & aliarum

'ESCUAGE from henceforth ſhall be taken like as it was wont to be in the time of King HENRY our Grandfather; reſerving to all Archbiſhops, Biſhops, Abbots, Priors, Templars, Hoſpitallers, Earls, Barons, and all perſons, as well Spiritual as Temporal, all their free liberties and free Cuſtoms, which they have had in time paſſed. And all theſe Cuſtoms and Liberties aforeſaid, which we have granted to be holden within this our Realm, as much as appertaineth to us *and our Heirs, we ſhall obſerve; and* all Men of this our Realm, as well Spiritual as Temporal (as much as in them is) ſhall obſerve the ſame

2 Inſt. 76.

[a] D. 'ſuus,' ib. [b] 'Et,' ib. [c] 'Tiethinga integra ſit ſicut,' ib. [d] D. 'de,' ib. [e] 'Non liceat,' ib. [f] 'Suo illius,' ib. [g] 'Solebat,' ib. [h] Deeſt, 'omnes,' ib.

† *For* against all persons, *read* with respect to theirs.

† against all persons in like wise. And for this our Gift and Grant of these Liberties, and of other contained in our Charter of Liberties of our Forest, the Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Freeholders, and other our Subjects, have given unto us the Fifteenth Part of all their Moveables. And we have granted unto them for us and our Heirs, that neither we, nor our Heirs shall procure or do any thing whereby the Liberties in this Charter contained shall be infringed or broken; and if any thing be procured by any person contrary to the premisses, it shall be had of no force nor effect. These being Witnesses; Lord *B.* Archbishop of *Canterbury*, *E.* Bishop of *London*, *J.* Bishop of *Bathe*, *P.* of *Winchester*, *H.* of *Lincoln*, *R.* of *Salisbury*, *W.* of *Rochester*, *W.* of *Worcester*, *J.* of *Ely*, *H.* of *Hereford*, *R.* of *Chichester*, *W.* of *Exeter*, Bishops; the Abbot of St. *Edmonds*, the Abbot of St. *Albans*, the Abbot of *Bello*, the Abbot of St. *Augustines* in *Canterbury*, the Abbot of *Evesham*, the Abbot of *Westminster*, the Abbot of *Bourgh* St. *Peter*, the Abbot of *Reading*, the Abbot of *Abindon*, the Abbot of *Malmsbury*, the Abbot of *Winchcomb*, the Abbot of *Hyde*, the Abbot of *Certesey*, the Abbot of *Sherburn*, the Abbot of *Cerne*, the Abbot of *Abbotebir*, the Abbot of *Middleton*, the Abbot of *Seleby*, the Abbot of *Cirencester*; *H. de Burgh* Justice, *H.* Earl of *Chester* and *Lincoln*, *W.* Earl of *Salisbury*, *W.* Earl of *Warren*, *G. de Clare* Earl of *Gloucester* and *Hertford*, *W. de Ferrars* Earl of *Derby*, *W. de Mandeville* Earl of *Essex*, *H. de Bygod* Earl of *Norfolk*, *W.* Earl of *Albemarle*, *H.* Earl of *Hereford*, *J. Constable* of *Chester*, *R. de Ros*, *R. Fitzwalter*, *R. de Vyponte*, *W. de Bruer*, *R. de Muntefichet*, *P. Fitzherbert*, *W. de Aubenie*, *F. Gresly*, *F. de Breus*, *J. de Monemue*, *J. Fitzallen*, *H. de Mortimer*, *W. de Beauchamp*, *W. de St. John*, *P. de Mauly*, *Brian de Lisle*, *Thomas de Multon*, *R. de Argenteyn*, *G. de Nevil*, *W. de Mauduit*, *J. de Balun*, and others *.

* Add, *Given at Westminster the 11th Day of February, in the 9th Year of our Reign.*

'II. We, ratifying and approving these Gifts and Grants aforesaid, confirm and make strong all the same for us and our Heirs perpetually, and, by the Tenour of these Presents, do renew the same; willing and granting for us and our Heirs, that this Charter, and all and singular his articles, for ever shall be stedfastly, firmly, and inviolably observed; *although some Articles in the same Charter contained, yet hitherto peradventure have not been kept, we will, and by Authority* Royal command, from henceforth firmly they be observed. In witness whereof we have caused these our Letters Patents to be made. T. Edward our Son at *Westminster*, ‡ the *Twenty-eighth Day of* March, *in the Twenty-eighth Year of our Reign.*'

A Confirmation of the aforesaid Liberties made by K. *Edw.* I.

‡ *The 12th Day of October, in the twenty-fifth Year of our Reign.*

Ex Rot. in Turr. Lond.

contentarum in carta nostra de libertatibus foreste Archiepiscopi Episcopi Abbates Priores Comites Barones Milites libere tenentes & omnes de regno nostro dederunt nobis quintamdecimam partem omnium mobilium suorum. Concessimus etiam eisdem pro nobis & heredibus nostris quod nec nos nec heredes nostri aliquid perquiremus per quod libertates in hac carta contente infringantur vel infirmentur. Et si ab aliquo contra hoc aliquid perquisitum fuerit nichil valeat & pro nullo habeatur. Hiis testibus domino S. Cantuar' Archiep'o E. London' Ep'o J. Bathon' Ep'o P. Wynton' H. Lincoln' R. Sarum W. Roff' W. Wygorn' J. Elien' H. Hereforden' R. Ciceſtr' W. Exon Episcopis. Abbate sancti Edmundi Abbate sancti Albani Abbate de Bello Abbate sancti Augustini Cantuar' Abbate de Evesham Abbate de Westm' Abbate de Burgo sancti Petri Abbate de Reding Abbate de Abyndon' Abbate de Malmesbur' Abbate de Wynchecumbe Abbate de Hida Abbate de Certeseye Abbate de Shirburn' Abbate de Cerne Abbate de Abbotebir' Abbate de Middilton' Abbate de Seleby Abbate de Cirenceſtr' H. de Burgo Justiciario H. Comite Ceſtr' & Lincoln' W. Comite Sarum W. Comite Warren' G. de Clare Comite Glouceſtr' & Hertford' W. de Ferrar Comite Derb' W. de Mandevill Comite Essex' H. le Bigod Comite Norff' W. Comite Albemarlie H. Comite Hereford' J. Constabular' Ceſtr' R. de Ros R. filio Walteri R. de Veteri Ponte W. de Bruer' R. de Muntefichet P. filio Herberti W. de Aubeny F. Gresly F. de Breus' J. de Monemue J. filio Alani H. de Mortuo Mari W. de Bello Campo W. de Sancto Johanne P. de Malo Lacu Briano de Insula Thoma de Multon R. de Argentein G. de Nevill W. Mauduit J. de Balun & aliis. Dat' apud Westm' xj. die Febr' anno regni nostri nono.

Nos autem donationes & concessiones predictas ratas habentes & gratas eas pro nobis & heredibus nostris concedimus & confirmamus easque tenore presentium innovamus volentes & concedentes pro nobis & heredibus nostris quod carta predicta in omnibus & singulis suis articulis imperpetuum firmiter & inviolabiliter observetur etiam si aliqui articuli in eadem carta contenti hucusque forsitan non fuerint observati. In cujus rei testimonium has litteras nostras fieri fecimus patentes. T. Edwardo filio nostro apud Westm' duodecimo die Octobr' anno regni nostri vicesimo quinto.

CHARTA FORESTÆ,

Made at Weſtminſter 10 Feb. Anno 9 Hen. III. A. D. 1225. *and confirmed* Anno 28 Edw. I. A. D. 1299.

Ex Rot. in Turr. Lond. *m.* 38, 39.

EDWARDUS Dei gratia Rex Angl' Dominus Hibernie & Dux Aquit' Omnibus ad quos preſentes littere pervenerint ſalutem. Inſpeximus cartam Domini H. quondam Regis Anglie patris noſtri de foreſta in hec verba:

HENRICUS Dei gratia Rex Angl' Dominus Hibern' Dux Norman' Aquit' & Comes Andegav' Archiepis' Epis' Abbatibus Prioribus Comitibus Baronibus Juſticiariis Foreſtar' Vicecomitibus Prepoſitis Miniſtris & omnibus Ballivis & fidelibus ſuis preſentem cartam inſpecturis ſalutem. Sciatis quod nos intuitu Dei & pro ſalute anime noſtre & animarum anteceſſorum & ſucceſſorum noſtrorum ad exaltationem ſancte eccleſie & emendationem regni noſtri ſpontanea & bona voluntate noſtra dedimus & conceſſimus Archiepis' Epis' Comitibus Baronibus & omnibus de regno noſtro has libertates ſubſcriptas tenendas in regno noſtro Angl' imperpetuum.

EDWARD, by the Grace of God, King of *England*, Lord of *Ireland*, and Duke of *Guyan*, to all to whom theſe Preſents ſhall come, ſendeth Greeting. We have ſeen the Charter of the Lord Henry our Father, ſometime King of *England*, concerning the Foreſt, in theſe Words:

" HENRY, by the Grace of God, King of *Eng-*
" *land*, Lord of *Ireland*, Duke of *Normandy* and of
" *Guyan*, &c. *as in the beginning of the Great Char-*
" *ter.*]

Confirmed by 42 Ed. 3. c. 1. 4 Inſt. 300. 28 Ed. 1. *ſtat.* 3. *c.* 1. 25 *Ed.* 1. *ſtat.* 1. *c.* 1.

CAP. I.

Certain Grounds ſhall be diſafforeſted.

IN primis omnes foreſte quas Henricus Rex Avus noſter afforeſtavit videantur per bonos & legales homines & ſi boſcum aliquem alium quam ſuum dominicum afforeſtaverit ad dampnum illius cujus boſcus ille fuerit deafforeſtetur & ſi boſcum ſuum proprium afforeſtaverit remaneat foreſta ſalva communa de herbagio & aliis in eadem foreſta illiis qui prius eam habere conſueverunt.

'FIRST, We will that all Foreſts, which King Henry our Grandfather afforeſted, ſhall be viewed by good and lawful men; and if he have made Foreſt of any other Wood more than of his own demeſne, whereby the Owner of the Wood hath hurt, forthwith it ſhall be diſafforeſted; and if he have made foreſt of his own Wood, then it ſhall remain Foreſt; ſaving the Common of Herbage, and of other things in the ſame Foreſts, to them which before were accuſtomed to have the ſame.'

4 Inſt. 308. 3 Bulſtr. 213.

CAP. II.

Who are bound to the Summons of the Foreſt.

HOmines vero qui manent extra foreſtam non veniant decetero coram Juſtic' noſtris de foreſta per communes ſummonitiones niſi ſint in placito vel plegi alicujus vel aliquorum qui attachiati ſunt propter foreſtam.

'MEN that dwell out of the Foreſt, from henceforth ſhall not come before the Juſticers of our Foreſt by common Summons, unleſs they be impleaded there, or be Sureties for ſome others that were attached for the Foreſt.'

CAP. III.

Certain Woods made Foreſt, ſhall be diſafforeſted.

OMnes autem boſci qui fuerunt afforeſtati per Regem Ricardum Avunculum noſtrum vel per Regem Johannem patrem noſtrum uſque ad primam coronationem noſtram ſtatim deafforeſtentur niſi ſit dominicus boſcus noſter.

'ALL Woods which have been made Foreſt by King Richard our Uncle, or by King John our Father, until our firſt Coronation, ſhall be forthwith diſafforeſted, unleſs it be our demeſne Wood.'

CAP. IV.

No Purpreſture, Waſte, or Aſſert, ſhall be made in Foreſts.

ARchiepiſcopi Epiſcopi Abbates Priores Comites Barones Milites libere tenentes qui habent boſcos ſuos in foreſtis habeant boſcos ſuos ſicut eos

'ALL Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Knights, and other our Freeholders, which have their Woods in Foreſts, ſhall have their

'Woods as they had them at the firſt Coronation of King HENRY our Grandfather, ſo that they ſhall be quit for ever of all Purpreſtures, Waſtes and Aſſerts, made in thoſe Woods after that Time, until the beginning of the ſecond Year of our Coronation; and thoſe that from henceforth do make Purpreſture without our licence, or Waſte or Aſſert in the ſame, ſhall anſwer unto us for the ſame Waſtes, Purpreſtures, and Aſſerts.'

4 Inſt. 307.

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habuerunt tempore prime coronationis Regis HENRICI Avi noſtri Ita quod quieti ſint imperpetuum de omnibus purpreſturis vaſtis & aſſartis factis in illis boſcis poſt illud tempus uſque ad principium ſecundi anni coronationis noſtre. Et qui decetero vaſtum purpreſturam vel aſſartum ſine licentia noſtra in ill' fecerint de vaſtis purpreſturis & aſſartis reſpondeant.

CAP. V.

When Rangers ſhall make their Range in the Foreſt.

'OUR Rangers ſhall go through the Foreſt to make Range, as it hath been accuſtomed at the time of the firſt Coronation of King HENRY our Grandfather, and not otherwiſe.'

REgardatores noſtri eant per foreſtas ad faciendum regardum ſicut fieri conſuevit tempore prime coronationis Reg' HENRICI Avi noſtri & non aliter.

CAP. VI.

Lawing of Dogs in Foreſts.

'THE enquiry or view for Lawing of Dogs within our Foreſt ſhall be made from henceforth when the Range is made, that is to ſay, from three year to three year; and then it ſhall be done by the view and teſtimony of lawful men, and not otherwiſe; and he whoſe Dog is not lawed, and ſo found, ſhall pay for his Amerciament iii. s. And from henceforth no Ox ſhall be taken for Lawing of Dogs; and ſuch Lawing ſhall be done by the Aſſiſe commonly uſed, that is to ſay, that three Claws of the Fore-foot ſhall be cut off by the Skin. But from henceforth ſuch Lawing of Dogs ſhall not be, but in Places where it hath been accuſtomed from the time of the firſt Coronation of the foreſaid King HENRY our Grandfather.'

4 Inſt. 289, 308.

INquiſitio vel viſus de expeditatione canum exiſtentium in foreſta decetero fiat quando fieri debet regardum ſcilicet de tertio anno in tertium annum & tunc fiat per viſum & teſtimonium legalium hominum & non aliter & ille cujus canis inventus fuerit tunc non expeditatus det pro miſericordia tres ſolidos. Et decetero nullus bos capiatur pro expeditatione Tal' autem fiat expeditatio per aſſiſam communiter uſitatam quod tres cotelli abſcindantur ſine pelota de pede anteriori. Nec expedientur canes decetero niſi in locis ubi conſueverunt expeditari tempore prime coronationis predicti Regis HENRICI avi noſtri.

CAP. VII.

In what Caſes only Gathering ſhall be in Foreſts.

4 Inſt. 292.

'NO Foreſter or Bedel from henceforth ſhall make Scotal, or gather Garb, or Oats, or any Corn, Lamb, or Pig, nor ſhall make any Gathering, but by the view [*and Oath*] of the twelve Rangers, when they ſhall make their Range. So many Foreſters ſhall be aſſigned to the keeping of the Foreſts, as reaſonably ſhall ſeem ſufficient for the keeping of the ſame.'

Enforced by 25 Ed. 3. ſtat. 5. c. 7.

NUllus foreſtarius vel bedellus decetero faciat ſcotallas vel colligat garbas vel avenam vel bladum aliquod vel agnos vel porcellos nec aliquam collectam faciat & per viſum & ſacramentum duodecim regardatorum quando facient regardum. Tot foreſtarii ponantur ad foreſtas cuſtodiendas quot ad illas cuſtodiendas rationabiliter viderint ſufficere.

CAP. VIII.

When Swanimotes ſhall be kept, and who ſhall repair to them.

'NO Swanimote from henceforth ſhall be kept within this our Realm, but thrice in the year, *videlicet*, the beginning of fifteen Days afore *Michaelmas*, when that our Geſt-takers, or Walkers of our Woods come together to take Ageſtment in our demeſne Woods, and about the Feaſt of St. *Martin*, when that our Geſt-takers ſhall receive our Pawnage: And to theſe two Swanimotes ſhall come together our Foreſters, Vierders, Geſt-takers, and none other, by diſtreſs. And the third Swanimote ſhall be kept in the beginning of fifteen days before the Feaſt of St. *John Baptiſt*, when that our Geſt-takers do meet to hunt our Deer;

NUllum ſwanimotum decetero teneatur in regno noſtro niſi ter in anno videlicet in principio quindecim dierum ante feſtum ſancti Michaelis quando Agiſtatores noſtri conveniunt ad agiſtand' dominicos boſcos noſtros & circa feſtum ſancti Martini quando agiſtatores noſtri debent recipere pannagium noſtrum & ad iſta duo ſwanimota conveniant foreſtas viridarii & agiſtatores & non alii per diſtrictionem & tertium ſwanimotum teneatur in initio quindecim dierum ante feſtum ſancti Johannis Baptiſte pro feonatione beſtiarum noſtrarum & ad illud ſwanimotum tenendum conveniant foreſtarii viridarii & non alii per diſtrictionem. Preterea ſingulis

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gulis quadraginta diebus per totum annum conveniant foreſtarii & viridarii ad videnď attachiamenta de foreſta tam de viridi quam de venatione per preſentationem foreſtariorum ipſorum & coram ipſis attachiatis. Predicta autem ſwanimota non teneantur niſi in Comitatibus in quibus teneri conſueverunt.

'and at this Swanimote ſhall meet our Foreſters, 'Vierders, and none other, by diſtreſs. Moreover 'every forty days through the year our Foreſters 'and Vierders ſhall meet to ſee the Attachments of 'the Foreſt, as well for Greenhue, as for Hunting, by 'the Preſentments of the ſame Foreſters, and before 'them attached. And the ſaid Swanimotes ſhall 'not be kept but within the Counties in which they 'have uſed to be kept.' 4 Inſt. 289, 313, 316.

CAP. IX.

Who may take Agiſtment and Pawnage in Foreſts.

UNuſquiſque liber homo agiſtet boſcum ſuum in foreſta pro voluntate ſua & habeat pannagium ſuum. Concedimus etiam quod unuſquiſque liber homo ducere poſſit porcos ſuos per dominicum boſcum noſtrum libere & ſine impedimento ad agiſtand' eos in boſcis ſuis propriis vel alibi ubi voluerit. Et ſi porci alicujus liberi hominis una nocte pernoctaverint in foreſta noſtra non inde occaſionetur unde aliquid de ſuo perdat.

'EVery Freeman may agiſt his own Wood within our Foreſt at his pleaſure, and ſhall take his 'Pawnage. Alſo we do grant that every Free'man may drive his Swine freely without Impediment 'through our demeſne Woods, to agiſt them in 'their own Woods, or elſe where they will. And 'if the Swine of any Freeman lie one night within our 'Foreſt, there ſhall be no occaſion taken thereof 'whereby he may loſe any thing of his own.'

CAP. X.

The Puniſhnment for killing the King's Deer.

NUllus decetero amittat vitam vel membra pro venatione noſtra ſet ſi quis captus fuerit & convictus de captione venationis graviter redimatur ſi habeat unde redimi poſſit ſi autem non habeat unde redimi poſſit jaceat in priſona noſtra per unum annum & unum diem & ſi poſt unum annum & unum diem plegios invenire poſſit exeat de priſona ſin autem abjuret regnum Anglie.

'NO man from henceforth ſhall loſe either Life 'or Member for killing of our Deer: But if 'any man be taken, and convict for taking of our Ve'niſon, he ſhall make a grievous Fine, if he have any 'thing whereof; and if he have nothing to loſe, 'he ſhall be impriſoned a Year and a Day: and Regiſt. 80. 'after the Year and Day expired, if he can find ſuffi- 4 Inſt. 313. 'cient ſureties, he ſhall be delivered; and if not, he *Allowed by* 1 Ed. 3. ſtat. 1. c. 8. 'ſhall abjure the Realm of England.' 1 Hen. 6. c. 7. *and* 7 R. 2. c. 4.

4 Hen. 7. c. 6. 3 *Ed.* 1. *c.* 20.

CAP. XI.

A Nobleman may kill a Deer in the Foreſt.

QUicunque Archiepiſcopus Epiſcopus Comes vel Baro veniens ad nos ad mandatum noſtrum tranſierit per foreſtam noſtram liceat ei capere unam beſtiam vel duas per viſum foreſtarii ſi preſens fuerit ſin autem faciat cornari ne videatur furtive hoc facere idem liceat eis in redeundo facere ſicut predictum eſt.

'WHatſoever Archbiſhop, Biſhop, Earl or Baron, 4 Inſt. 309. 'coming to us at our commandment, paſſing 'by our Foreſt, it ſhall be lawful for him to take and 'kill one or two of our Deer, by view of our Foreſter, 'if he be preſent; or elſe he ſhall cauſe one to blow 'an horn for him, that he ſeem not to ſteal our Deer; 'and likewiſe they ſhall do returning from us, as it 'is afore ſaid.'

CAP. XII.

How a Freeman may uſe his Land in the Foreſt.

UNuſquiſque liber homo decetero ſine occaſione faciat in boſco ſuo vel in terra ſua quam habet in foreſta Molendinum vivarium ſtagnum Marleram foſſatum vel terram arabilem extra coopertum in terra arabili ita quod non ſit ad nocumentum alicujus vicini.

'EVery Freeman from henceforth, without dan'ger, ſhall make in his own Wood, or in his 'Land, or in his Water, which he hath within our 'Foreſt, Mills, Springs, Pools, Marl-pits, Dikes, 'or earable ground, without incloſing that earable 'ground, ſo that it be not to the Annoyance of any 'of his neighbours.'

CAP.

CAP. XIII.

How a Freeman may uſe his Land in the Foreſt.

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'EVery Freeman ſhall have within his own Woods, Ayries of Hawks, Sparrow-Hawks, Faulcons, Eagles, and Herons; and ſhall have alſo the Honey that is found within his Woods.'

UNuſquiſque liber homo habeat in boſcis ſuis aerias accipitrum eſparvariorum falconum aquilarum & heironum habeat ſimiliter mel quod inventum fuerit in boſcis ſuis.

CAP. XIV.

Who may take Chimmage or Toll in a Foreſt, for what cauſe, and how much.

4 Inſt. 306.

'NO Foreſter from henceforth, which is not Foreſter in fee, paying to us ferm for his Bailiwick, ſhall take any Chimmage or Toll within his Bailiwick; but a Foreſter in fee, paying us ferm for his Bailiwick, ſhall take Chimmage; that is to ſay, for Carriage by Cart the half Year, ii *d.* and for another half Year, ii *d.* for an Horſe that beareth loads, every half year, an halfpenny; and by another half year, half a penny; and but of thoſe only that come as Merchants *through* * his Bailiwick by licence to buy buſhes, Timber, Bark, Coal, † and to ſell it again at their pleaſure; but for none other Carriage by Cart Chimmage ſhall be taken; nor Chimmage ſhall not be taken, but in ſuch places, only where it hath been uſed to be. Thoſe which bear upon their backs Bruſhment, Bark, or Coal to ſell, though it be their living, ſhall pay no Chimmage to our Foreſters, except they take it within our demeſne Woods ‖.'

* Read *from without his Bailiwick.*

† Add *within his Bailiwick.*

‖ *The concluding words of exception are not in the original.*

NUullus foreſtarius decetero qui non ſit foreſtarius de feodo firmam nobis reddens pro balliva ſua capiat cheminagium aliquod in balliva ſua foreſtarius autem de feodo firmam nobis reddens pro balliva ſua capiat cheminagium videlicet pro carecta per dimidium annum duos denarios & per alium dimidium annum duos denarios pro equo qui portat ſummagium per dimidium annum obolum & per alium dimidium annum obolum & non niſi de illis qui [a] *extra* ballivam ſuam tanquam mercatores veniunt per licentiam ſuam in ballivam ſuam ad buſcam maeremium corticem vel carbonem emendum & alias ducendum ad vendendum ubi voluerint & de nulla alia carecta vel ſummagio aliquo cheminagium capiatur & non capiatur cheminagium niſi in locis in quibus antiquitus capi ſolebat & debuit. Illi autem qui portant ſuper dorſum ſuum buſcam Corticem vel carbonem ad vendend' quamvis inde vivant nullum decetero dent cheminagium.

CAP. XV.

Pardon of Outlaws of Treſpaſs within the Foreſt.

'ALL that be outlawed for the Foreſt only, ſince the time of King HENRY our Grandfather, until our firſt Coronation, ſhall come to our Peace without let, and ſhall find to us Sureties, that from henceforth they ſhall not treſpaſs unto us within our Foreſt.'

OMnes utlagati pro foreſta tantum a tempore Reg' HENRICI Avi noſtri uſque ad primam coronationem noſtram veniant ad pacem noſtram ſine impedimento & ſalvos plegios inveniant quod non decetero forisfacient nobis de foreſta noſtra.

CAP. XVI.

How Plea of the Foreſt ſhall be holden.

Amended by 7 R. 2. c. 3.

'NO Conſtable, Caſtellan, or any other, ſhall hold Plea of Foreſt, neither for Greenhue nor Hunting; but every Foreſter in fee ſhall make attachments for Pleas of Foreſt as well for Greenhue as Hunting, and ſhall preſent them to the Vierders of the Provinces; and when they be enrolled and encloſed under the Seals of the Vierders, they ſhall be preſented to our chief Juſticers of our Foreſt, when they ſhall come into thoſe parts to hold the Pleas of the Foreſt, and before them they ſhall be determined. And theſe liberties of the Foreſt we have granted to all men, ſaving to Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, Knights, and to other Perſons, as well ſpiritual as temporal, Templars, Hoſpitallers, their Liberties and free Cuſtoms, as well within the Foreſt as without, and in Warrens and other places, which they have had. All theſe Liberties and Cuſtoms, we, *&c. as it followeth in the end of the Great Charter.* And we do confirm

NUllus Conſtabularius Caſtellanus vel alius teneat placita de foreſta ſive de viridi ſive de venatione ſet quilibet foreſtarius de feodo attachiet placita de foreſte tam de viridi quam de venatione & ea preſentet viridariis provinciarum & cum inrotulata fuerint & ſub ſigillo viridariorum incluſa preſententur capitali foreſtario noſtro cum in partes illas venerit ad tenendum placita foreſte & coram eo terminentur. Has autem libertates de foreſtis conceſſimus omnibus ſalvis Archiepiſcopis Epiſcopis Abbatibus Prioribus Comitibus Baronibus Militibus & aliis tam perſonis eccleſiaſticis quam ſecularibus Templariis & Hoſpitelariis libertatibus & liberis conſuetudinibus in foreſtis & extra in warennis & aliis quas prius habuerunt. Omnes autem iſtas conſuetudines predictas & libertates quas conceſſimus in regno noſtro tenendas quantum ad nos pertinet erga noſtros Omnes de regno noſtro tam clerici quam laici obſervent quantum ad ſe per-

[a] *For* extra *read* de extra, *as it ſtands in Harwk. Edit. which makes the ſenſe more compleat, as may appear by the correction in the margin.*

tinet

Ex Rot. in Turr. Lond.

tinet erga ſuos. Pro hac autem conceſſione & donatione libertatum iſtarum & aliarum libertatum contentarum in majori carta noſtra de aliis libertatibus Archiepiſcopi Epiſcopi Abbates Priores Comites Barones Milites libere tenentes & omnes de regno noſtro dederunt nobis quintamdecimam partem omnium mobilium ſuorum. Conceſſimus eiſdem pro nobis & heredibus noſtris quod nec nos nec heredes noſtri aliquid perquiremus per quod libertates in hac carta contente infringantur vel infirmentur. Et ſi ab aliquo aliquid contra hoc perquiſitum fuerit nichil valeat & pro nullo habeatur. Hiis teſtibus domnino S. Cantuar' Archiep'o E. Lond' Ep'o J. Bathon' P. Wynton' H. Lincolnien' R. Sarum B. Roff' W. Wygorn' J. Elien' H. Hereforden' R. Ciceſtren' W. Exon' Epiſcopis. Abbate Sancti Edmundi Abbate Sancti Albani Abbate de Bello Abbate Sancti Auguſtini Cantuar' Abbate de Eveſham Abbate de Weſtm' Abbate de Burgo Sancti Petri Abbate de Reding Abbate de Abyndon Abbate de Malmeſbur' Abbate de Wynchecumbe Abbate de Hida Abbate de Certeſeye Abbate de Shireburn Abbate de Cerne Abbate de Abboteſbir' Abbate de Middelton Abbate de Seleby Abbate de Whyteby Abbate de Cirenceſter H. de Burgo Juſticiar' R. Comite Ceſtr' & Lincoln' W. Comite Sarum W. Comite Warrenn' G. de Clare Comite Glouceſtr' & Hertford' W. de Ferrar' Comite Derb' W. de Maundevill Comite Eſſex H. le Bygod Comite Norff' W. Comite Aubemarl H. Comite Hereford' Johanne Conſtabulario Ceſtr' Roberto de Ros Roberto filio Walteri Roberto de Veteri Ponte Will'o Bygwerr' Ricardo de Muntfichet Petro filio Herberti Matheo filio Herberti Willielmo de Albiniaco Roberto Greſl' Reginaldo de Breus' Johanne de Monemue Johanne filio Alani Hugone de Mortuo Mari Waltero de Bello Campo Will'o de Sancto Johanne Petro de Malo Lacu Briano de Inſula Thoma de Multon Rico' de Argenteym Galfrido de Nevill' Willielmo Maudut & Johanne de Balun' & aliis. Dat' apud Weſtm' undecimo die Febr' anno regni noſtri nono. Nos autem donationes & conceſſiones predictas ratas habentes & gratas eas pro nobis & heredibus noſtris concedimus & confirmamus eaſque tenore preſentium innovamus volentes & concedentes pro nobis & heredibus noſtris quod carta predicta in omnibus & ſingulis ſuis articulis imperpetuum firmiter & inviolabiliter obſervetur etiam ſi aliqui articuli in eadem carta contenti hucuſque forſitan non fuerint obſervati. In cujus rei teſtimonium has litteras noſtras fieri fecimus patentes. Teſte Edwardo filio noſtro apud Weſtm' duo decimo die Octobris anno regni noſtri viceſimo quinto.

‘ and ratifie theſe Gifts, *&c. as in the end of the Great* ‘ *Charter ſpecified*, &c. 4 Inſt. 289, 291, 315

See farther Index, tit. *Foreſt.*

Statutum Hiberniæ de coheredibus made at *Weſtminſter* 9 *Febr'* & 14 HEN. III. & *Ann. Dom.* 1229.

How Lands holden by Knight Service, deſcending to Coparceners within Age, ſhall be divided. Obſ.

Cotton *MS. Claudius*, D. 2.

REX dilecto & fideli ſuo Gerardo fil' Mauricii Juſtic' ſuo Hibernie, ſalutem. [*Quia tales*] Milites de partibus Hibernie [*nuper*] ad nos accedentes nobis oſtenderunt, [*quod*] cum hereditas [*aliqua*] devoluta ſit ad [*inter*] ſorores in regno noſtro Hibernie, Juſtic' noſtri in iiſdem partibus [*itinerantes*] incerti ſunt, utrum poſtnate ſorores tenere debeant de primogenita [*ſorore*], & ei facere homagium de portionibus ſuis, vel de Capitali domino, & ei facere homagium. Et quia predicti Milites a nobis petierunt inde certiorari [*certificari*] qualiter in regno noſtro Anglie, in caſu conſimili, hactenus uſitatum ſit: ad inſtantiam eorundem vobis ſignificamus, quod in regno noſtro Anglie ſemper talis fuit lex & conſuetudo & hoc in caſu, quod ſi quis de nobis teneret in capite, & haberet filias ad heredes, ipſo patre defuncto, anteceſſores noſtri & nos [*ſemper*] habuimus homagium de omnibus filiabus, & ſingule earum tenent [*de nobis*] in capite in hoc caſu. Et ſi infra etatem fuerint, nos habebimus cuſtodiam & earum maritagium: ſi autem de alio quocunque tenuerint, quam de nobis, & ipſe ſorores infra etatem fuerint, dominus earum habeat cuſtodiam & maritagium ſingularum, & primogenita tantum faciet homagium pro omnibus; & alie ſorores, cum ad etatem pervenerint, faciant ſervitia dominis feodorum per manum primogenite; nec poterit primogenita ea occaſione petere de poſtnatis ſororibus homagium, vel cuſtodiam, vel aliquam aliam ſubjectionem quia omnes ſorores ſunt quaſi unus heres de una hereditate. Si primogenita poſſet habere homagium aliarum ſororum, & cuſtodiam petere, tunc eſſet eadem hereditas diviſa, ita [*quod*] primogenita ſoror [*ſororum*] ſimul & ſemel foret de hereditate unica domina & heres: [*ſua*] heres autem ſue partis & domina ſororum ſuarum; quod quidem in hoc caſu fieri non poterit [*poteſt*] cum ipſa primogenita nichil plus petere poſſit quam alie ſorores, niſi capitale meſuagium, nomine einecie: & ſi primogenita ſit heres omnium aliarum ſororum [*ſuarum*] vel puerorum ſuorum; ſi obierint ſine herede de ſeipſis, poſſet habere cuſtodiam ſuarum ſororum, vel puerorum ſuorum, ſet hoc eſſet quaſi committere agnum lupo devorand'. Et ideo vobis mandamus, quod predictas conſuetudines in hoc caſu, quas in regno noſtro Anglie habemus, ut [*ſecundum quod*] predictum eſt, in terra noſtra Hibernie proclamari & firmiter teneri, fac. &c.

2 Inſt. 349. 17 Ed. 2. c. 5. Regiſt. 177, 318.

In the Old Abridgment, tit. Homage, *this* Statutum de Hibernia *is ſaid, not to be a ſtatute. But the ſmall collections, intituled* Magna Charta, &c. *and all the* Engliſh *editions, have it.*

PROVI-

PROVISIONES DE MERTON.

Statutes made at *Merton in Craſtino Sancti Vincentii (ſcil. 23 Jan.) Anno* 20 HEN. III. *Ann. Dom.* 1235.

"IT was provided in the Court of our Lord the "King, holden at *Merton* on *Wedneſday* the mor- "row after the Feaſt of St. *Vincent*, the 20th Year "of the Reign of King HENRY the Son of King "JOHN, before the Archbiſhop of *Canterbury*, and "other his Biſhops and Suffragans, and before the "greater part of the Earls and Barons of *England*, "there being aſſembled for the Coronation of the ſaid "King, and *Hellianor* the Queen, about which they "were all called, where it was treated for the Com- "monwealth of the Realm upon the Articles under- "written, thus it was provided and granted, as well "of the foreſaid Archbiſhops, Biſhops, Earls, and "Barons, as of the King himſelf and others."

Cotton *MS. Claudius* D. 2.

PROVISUM eſt in Curia domini Regis, die Mercurii in craſtino ſancti Vincencii, Anno regni Regis HENRICI fil' Regis JOHANNIS viceſimo, apud Merton, coram Archiepiſcopo Cantuarienſi, & Epiſcopis Suffraganeis, coram Majori parte Comitum & Baronum Anglie ibidem exiſtentium, [a] pro coronatione ipſius domini Regis & Alianore Regine, pro qua omnes vocati fuerunt Cum tractatum eſſet de communi utilitate regni ſuper articulis ſubſcriptis Ita proviſum fuit, & conceſſum, tam a predictis Archiepiſcopis, Epiſcopis, Comitibus, Baronibus, quam ab ipſo Rege & aliis.

CAP. I.

A Woman ſhall recover Damages in a Writ of Dower.

Dyer 284, pl. 33. 4 Co. 30. 14 H. 8, 25. 38 Ed. 3. 13. 11 H. 4. 39. Fitz. Dower. 24, 46, 59, 73. Fitz. Damage, 10, 83, 119. 3 Bulſtr. 278. F. N. B. fo. 7. Raſt. Ent. 22. Co. Lit. 32. b. 2 Inſt. 80. 9 H. 3. *ſtat.* 1. *c.* 7.

'FIrſt, Of Widows which after the Death of their Huſbands are deforced of their Dowers, and cannot have their Dowers or Quarentine without Plea, whoſoever deforce them of their Dowers or Quarentine of the Lands, whereof their Huſbands died ſeiſed, and that the ſame Widows after ſhall recover by Plea; they that be convict of ſuch wrongful Deforcement ſhall yield Damages to the ſame Widows; that is to ſay, the Value of the whole Dower to them belonging, from the time of the Death of their Huſbands unto the Day that the ſaid Widows, by Judgment of our Court, have recovered Seiſin of their Dower, &c. and the Deforcers nevertheleſs ſhall be amerced at the King's pleaſure.'

DE viduis vero I. que poſt mortem virorum ſuorum expelluntur de dotibus ſuis & dotes ſuas, vel quarentenam habere non poſſunt ſine placito videlicet quod quicunque deforciaverit eis dotes ſuas vel quarentenam ſuam de tenementis de quibus viri ſui obierunt ſeiſiti & ipſe vidue poſtea per placitum recuperaverint ipſi qui de injuſto deforciamento convicti fuerint reddant eiſdem viduis dampna ſua videlicet valorem totius dotis eas contingentis a tempore mortis virorum ſuorum uſque ad diem quo ipſe vidue per judicium curie ſeiſinam ſuam inde recuperaverint nichilominus ipſi deforciatores ſint in miſericordia *domini* regis.

See 52 *H.* 3. *ſtat.* 3. 35 *H.* 3. *c.* 12. 32 *H.* 8. *c.* 21. 16 *Car.* 2. *c.* 6. *aſſigning Days in Dower.* 13 *Ed.* 1. *ſtat.* 1. *c.* 4. *for the Recovery of Dower notwithſtanding a feigned Recovery againſt the Huſband by Default.* 13 *Ed.* 1. *c.* 34. *for the Loſs of Dower by Adultery.* 27 *H.* 8. *c.* 10. § 6. *for barring Dower by Jointure.* 1 *Ed.* 6. *c.* 12. § 17. *ſecuring Dower notwithſtanding the Treaſon or Felony of the Huſband.* 5 & 6 *Ed.* 6. *c.* 11. § 13. *altering the foregoing.* 3 *Jac.* 1. *c.* 5. § 13. *barring popiſh Recuſants from Dower.* *And* 4 *W. & M. c.* 16. § 5. *ſecuring Dower to Widow of Mortgagor.*

CAP. II.

Widows may bequeath the Crop of their Lands.

Kel. 125. Fitz. Bar. 149, 294. 2 Inſt. 80.

'ALſo from henceforth Widows may bequeath the Crop of their Ground, as well of their Dowers, as of other their Lands and Tenements, ſaving to the Lords of the Fee, all ſuch Services as be due for their Dowers and other Tenements.'

II. ITem, omnes vidue de cetero poſſunt legare blada ſua de terra ſua, tam de dotibus ſuis, quam de aliis terris & tenementis ſuis: ſalvis ſervitiis dominorum, que de dotibus & aliis tenementis ſuis debentur.

CAP. III.

Enquiry and Puniſhment of Rediſſeiſin.

18 H. 8. 1. 11 H. 4. 6. 7 H. 7. 4. Fitz. Rediſſeiſin, 6, 8, 9.

'ALſo if any be diſſeiſed of their Freehold, and before the Juſtices in Eyre have recovered Seiſin by Aſſiſe of *Novel Diſſeiſin*, or by Confeſſion of them which did the Diſſeiſin, and the Diſſeiſee hath

III. ITem, ſi quis fuerit diſſeiſitus de libero tenemento ſuo, & coram Juſticiariis itinerantibus ſeiſinam ſuam recuperaverit per aſſiſam nove diſſeiſine, vel per recognitionem eorum, qui

[a] *Procuratione* in Margine MS. Cotton.

fecerint

Cotton *MS.*

fecerint diſſeiſinam, & ipſe diſſeiſitus per Vic' ſeiſinam ſuam habuerit. Si iidem diſſeiſiatores poſtea, poſt iter Juſticiariorum, de eodem tenemento interum eundem conquerentem diſſeiſiverint, & inde convicti fuerint, ſtatim capiantur, & in priſona domini Regis detineantur, quouſque per dominum Regem, per redemptionem, vel aliquo alio modo, deliberentur. Et hæc eſt forma qualiter tales convicti puniri debeant, videlicet, cum conquerentes ad Curiam venerint, habeant breve domini Regis vicecomiti directum, in quo contineatur eorum narratio de diſſeiſina facta ſuper diſſeiſinam. Et ideo mandetur Vicecomiti, quod aſſumptis ſecum cuſtodibus placetorum Corone, & aliis legalibus Militibus, in propria perſona ſua accedat ad tenementum illud, vel paſturam illam, de quibus facta fuerit querela [*loquela*] & coram eis per primos Juratores, & per alios vicinos & legales homines, diligentem inde faciat inquiſitionem; & ſi ipſum iterum invenerit diſſeiſitum, ſicut predictum eſt, faciat tunc ſecundum proviſionem predictam; ſin autem, tunc ſit conquerens in miſericordia domini *regis*, & alius quietas recedat. Nec debet Vicecomes, ſine ſpeciali precepto domini Regis, hujuſmodi loquelam proſequi. Eodem modo fiat de illis, qui ſeiſinam recuperaverint per aſſiſam mortis anteceſſoris et de omnibus terris & tenementis recuperatis per juratas in Curia domini Regis, ſi poſtea diſſeiſiti fuerint a prioribus deforciatoribus, verſus quos recuperaverint per juratam quoquo modo.

' had Seiſin delivered by the Sheriff, if the ſame Diſ-
' ſeiſors, after the Circuit of the Juſtices, or in the
' mean time have diſſeiſed the ſame Plaintiff of the
' ſame Freehold, and thereof be convict, they ſhall
' be forthwith taken and committed, and kept in the
' King's Priſon, until the King hath diſcharged them
' by Fine, or by ſome other mean. And this is the Form
' how ſuch convict Perſons ſhall be puniſhed; that is to
' ſay, when the Plaintiffs come into the Court of our
' Lord the King, they ſhall have the King's Writ di-
' rected to the Sheriff, in which muſt be contained the
' Plaint of Diſſeiſin framed upon the Diſſeiſin.
' And then it ſhall be commanded to the Sheriff, that
' he, taking with him the Keepers of the Pleas of the
' King's Crown, and other lawful Knights, in his
' proper Perſon, ſhall go unto the Land or Paſture,
' where the Plaint hath been made, and that he make
' before them, by the firſt Jurors, and other Neigh-
' bours and lawful Men, diligent Inquiſition thereof;
' and if they find him diſſeiſed again (as before is ſaid)
' then let him do according to the Proviſion afore-
' mentioned; but if it be found otherwiſe, the Plain-
' tiff ſhall be amerced, and the other ſhall go quit;
' neither ſhall the Sheriff execute any ſuch Plaint
' without ſpecial Commandment of the King. In
' the ſame manner ſhall be done to them that have
' recovered their Seiſin by Aſſiſe of Mortdaunceſtor;
' and ſo ſhall it be of all Lands and Tenements re-
' covered in the King's Court by Enqueſts, if they
' be diſſeiſed after by the firſt Deforceors, againſt
' whom they have recovered any wiſe by Enqueſt.'

Co. Lit. 154. a.
2 Inſt. 82.
Hob. 96.
2 Bulſtr. 93.
Enforced and amended by
52 H. 3. c. 8.
13 Ed. 1. ſtat. 1. c. 25, 26.
Mirror 317.
Raſt. Ent. 548.

CAP. IV.

In what Caſes Lords may approve againſt their Tenants.

IV. ITEM, quia multi magnates Anglie, qui feoffaverunt Milites & libere tenentes ſuos de parvis tenementis in magnis maneriis ſuis, queſti ſunt, quod commodum ſuum facere non potuerunt de reſiduo Maneriorum ſuorum, ſicut de vaſtis, boſcis, & paſturis, Cum ipſi feoffati habeant ſufficientem paſturam, quantum pertinet ad tenementa ſua; Ita proviſum eſt & conceſſum, quod quicunque hujuſmodi feoffati aſſiſam Nove deſſeiſine deferant de communa paſture ſue, et coram Juſticiariis [a] recognitum fuerit quod tantam paſturam habeant, quantum [b] ſufficerit ad tenementa ſua, et quod habeant liberum ingreſſum & egreſſum de tenementis ſuis uſque ad paſturam ſuam, tunc inde ſint contenti; & illi, de quibus conqueſti fuerint, recedant quieti de hoc quod commodum ſuum de terris, vaſtis, boſcis, & paſturis fecerint; Si autem dixerent quod ſufficientem paſturam non habeant, vel ſufficientem ingreſſum vel egreſſum, quantum pertinet ad tenementa ſua, tunc inquiratur [c] veritas per aſſiſam; Et ſi per aſſiſam recognitum fuerit per eoſdem, quod in aliquo fuerit impeditus eorum ingreſſus vel egreſſus, vel quod non habeant ſufficientem paſturam, & ſufficientem ingreſſum & egreſſum, ſicut predictum eſt, tunc recuperent ſeiſinam ſuum per viſum juratorum, Ita quod per diſcretionem & ſacramentum eorum habeant conquerentes ſufficientem paſturam, & ſufficientem ingreſſum et

' ALSO becauſe many great men of *England*
' (which have infeoffed Knights and their Free-
' holders of ſmall Tenements in their great Manors)
' have complained that they cannot make their Profit
' of the reſidue of their Manors, as of Waſtes, Woods,
' and Paſtures, whereas the ſame Feoffees have ſuffi-
' cient Paſture, as much as belongeth to their Tene-
' ments; it is provided and granted, That when-
' ever ſuch Feoffees do bring an Aſſiſe of *Novel diſſei-*
' *ſin* for their Common of Paſture, and it is know-
' ledged before the Juſticers, that they have as much
' Paſture as ſufficeth to their Tenements, and that they
' have free Egreſs and Regreſs from their Tenement
' unto the Paſture, then let them be contented there-
' with; and they on whom it was complained ſhall
' go quit of as much as they have made their Profit
' of their Lands, Waſtes, Woods, and Paſtures; and
' if they alledge that they have not ſufficient Paſture,
' or ſufficient Ingreſs and Egreſs according to their
' Hold, then let the Truth be inquired by Aſſiſe; and
' if it be found by the Aſſiſe, that the ſame Deforceors
' have diſturbed them of their Ingreſs and Egreſs, or
' that they had not ſufficient Paſture (as before is ſaid)
' then ſhall they recover their Seiſin by view of the
' Inqueſt: ſo that by their Diſcretion and Oath the
' Plaintiffs ſhall have ſufficient Paſture, and ſufficient
' Ingreſs and Egreſs in form aforeſaid; and the
' Diſſeiſors ſhall be amerced, and ſhall yield Damages,
' as they were wont before this Proviſion. And if

2 Inſt. 84.
1 Roll. 365.
8 Ed. 3. 39.
7 Ed. 3. 67.
Mirror 318.
Enforced by
3 & 4 Ed. 6. c. 3.

[a] Cognoverint *in marg.* [b] Pertinet *in marg.* [c] Rei veritas *in marg.*

Enforced and extended by 13 Ed. 1 ſtat. 1. c. 46. 2 Vern. ca. 290, 322.
And ſee 29 Geo. 2. c. 36. *for incloſing Commons, with Conſent of Lords and Tenants for planting Timber.*

'it be certified by the Aſſiſe, that the Plaintiffs have ſufficient Paſture, with Ingreſs and Egreſs, as before is ſaid, let the other make their Profit of the reſidue, and go quit of that Aſſiſe.'

Cotton *MS.*

egreſſum, in forma predicta; Et diſſeiſitores ſint in miſericordia domini Regis, & dampna reddent, ſicut reddi [b] debent ante proviſionem iſtam; Si autem recognitum fuerit per aſſiſam, quod conquerentes ſufficientem habent paſturam, cum libero & ſufficienti ingreſſu & egreſſu, ut predictum eſt, tunc licite faciant alii commodum ſuum de reſiduo, & recedant de illa aſſiſa quieti.

CAP. V.

Uſury ſhall not run againſt any within Age.

Co. Lit. 246. b. 2 Inſt. 88. 1 Roll. 151.

'LIkewiſe it is provided and granted by the King, that from henceforth Uſuries ſhall not run againſt any being within Age, from the time of the Death of his Anceſtor (whoſe Heir he is) unto his lawful Age; ſo nevertheleſs, that the Payment of the principal Debt, with the Uſury that was before the Death of his Anceſtor (whoſe Heir he is) ſhall not remain.'

Repealed by 37 H. 8. c. 9.

V. SImiliter proviſum eſt, & conceſſum a domino Rege, quod de cetero non currant uſure contra aliquem infra etatem exiſtentem, a tempore mortis anteceſſoris ſui, cujus heres ipſa eſt, uſque ad legitimam etatem ſuum; Ita tamen quod propter hoc non remaneat ſolucio debiti principalis, ſimul cum uſura ante mortem anteceſſoris ſui, cujus heres ipſa eſt.

CAP. VI.

The Penalties for Raviſhment of a Ward, Forfeiture of Marriage, or Diſparagement of a Ward.

'OF *Heirs that be led away, and witholden, or married by their Parents, or by other, with Force againſt our Peace, thus it is* provided, That whatſoever Layman be convict thereof, that *he hath* † *ſo witholden any Child, led away, or married*, he ſhall yield to the Loſer the Value of the Marriage; and for the Offence his Body ſhall be taken and impriſoned until he hath recompenſed the Loſer, if the Child be married; and further, until he hath ſatisfied the King for the Treſpaſs. And this muſt be done of an Heir being within the Age of fourteen Years And touching an Heir being fourteen Years old, or above unto his full Age, If he marry without Licence of his Lord to defraud him of the Marriage, and his Lord offer him reaſonable Marriage (without Diſparagement) then his Lord ſhall hold his Land beyond the Term of his Age, that is to ſay, of One and twenty Years, ſo long that he may receive the double Value of the Marriage after the Eſtimation of lawful men, or ‖ *after as it hath been offered* before without Fraud or Colluſion, and after as it may be proved in the King's Court. And as touching Lords, which marry thoſe that they have in ward to Villains, or other, as Burgeſſes, where they be diſparaged, if any ſuch an Heir be within the Age of fourteen Years, and of ſuch Age that he cannot conſent to Marriage, then, if his Friends complain of the ſame Lord, the Lord ſhall loſe the Wardſhip unto the Age of the Heir; and all the Profit, that thereof ſhall be taken, ſhall be converted to the Uſe of the Heir being within Age, after the Diſpoſition and Proviſion of his Friends, for the Shame done to him; but if he be fourteen Years, and above, ſo that he may conſent, and do conſent to ſuch Marriage, no Pain ſhall follow.'

† Read *that he hath by ſuch Means married any Child, he ſhall yield, &c.*
Co. Lit. 76. a. 4. Co. 82. 6 Co. 74. 9 Co. 72. Dyer 255 to 260. pl. 23. Bro. Forf. de Marriage, 9, 12, 13. Co. Lit. 80. a. 81. b. 2 Inſt. 89. Hob. 94, 96.
‖ Read *according to what he had been offered before for the ſaid Marriage, without, &c.*
9 H. 3. *ſtat.* 1. *c.* 6. *Confirmed by* 3 *Ed.* 1. *c.* 22. *Enforced by* 13 *Ed.* 1. *ſtat.* 1. *c.* 35. Regiſt. 161, &c. *Obſ. by* 12 *Car.* 2. *c.* 24.

VI. DE heredibus per parentes, vel per alios, vi abductis, vel detentis, ita proviſum eſt, quod quicunque laicus inde convictus fuerit, quod puerum ſic maritaverit, reddat perdenti valorem maritagii Et pro delicto corpus ejus capiatur & impriſonetur, donec perdenti emendaverit delictum, ſi puer maritetur Et preterea donec domino Regi ſatisfecerit pro tranſgreſſione. Et hoc fiat de herede infra quatuordecim annos exiſtente. De herede autem, [qui] cum ſit quatuordecim annorum, vel ultra, uſque ad plenam etatem, ſi ſe maritaverit ſine licentia domini ſui, ut ei auferat maritagium ſuum & Dominus offerat ei rationabile maritagium, ubi non diſparagetur, dominus ſuus tunc teneat terram ejus ultra terminum etatis ſue, ſcilicet viginti & unius anni per tantum tempus, quod poſſit inde duplicem valorem maritagii recipere, ſecundum eſtimationem legalium hominum, vel ſecundum quod ei pro eodem maritagio prius fuerit oblatum ſine fraude & malicia, & ſecundum quod probari poterit in Curia domini Regis. De dominis qui maritaverint illos quos habent in cuſtodia [ſua] villanis, vel aliis, ſicut burgenſibus, ubi diſparagentur; [tunc] ſi talis heres fuerit infra quatuordecim annos, & talis etatis, quod conſentire non poſſit [c], tunc ſi parentes conquerantur [d], dominus ille amittat cuſtodiam uſque ad legitimam etatem heredis & omne commodum, quod inde [e] perceptum fuerit, convertatur in commodum ipſius [f] qui infra etatem eſt, ſecundum diſpoſicionem & proviſionem parentum [g] contra dedecus ei factum; Si autem fuerit quatuordecim annorum, & ultra, [h] quod conſentire poterit, & tali maritagio conſenſerit, nulla ſequatur pena.

[b] Solebant *in marg.* [c] Matrimonio *in marg.* [d] De illo domino *in marg.* [e] Recuperatum *in marg.* [f] Heredis *in marg.* [g] Suorum *in marg.* [h] Ita *in marg.*

CAP.

CAP. VII.

In what case the Ward shall pay to his Lord the Value of his Marriage.

Cotton *MS.*

SI quis heres, cujuscunque fuerit etatis, pro domino suo se noluerit maritare, non compellatur hoc facere, sed cum ad etatem pervenerit, det domino suo, & satisfaciat ei de tanto, quantum [a] percipere possit ab aliquo pro maritagio, antequam terram suam recipiat, & hoc sive voluerit se maritare, sive non; Quia maritagium ejus, qui infra etatem est, mero jure pertinet ad dominum feodi.

'IF an Heir (of what Age soever he be) will not marry at the Request of his Lord, he shall not be compelled thereunto; but when he cometh to full Age, he shall give to his Lord, and pay him as much as any would have given him for the Marriage before the Receipt of his Land, and that whether he will marry himself, or not; for the Marriage of him that is within Age, of meer Right pertaineth to the Lord of the Fee.'

Kel. 133. Dyer 25, 260, 306. Fitz. Brief, 937. Fitz. Gard. 68. 128, 131, 138, 153, 156. 6 Co. 70, 73. 5 Co. 126. b. Co. Ent. 396. 2 Inst. 92. Cro. El. 469. *Obs. by* 12 *Car.* 2. *c.* 24.

CAP. VIII.

Several Limitations of Prescription in several Writs.

VII. DE narracione descensus in brevi de recto ab antecessore a tempore H. Regis senioris, anno & die, provisum est, quod de cetero non fiat mencio de tam longinquo tempore, set a tempore H. Regis Avi nostri; & locum habeat ista provisio ad Pentecosten, anno vicesimo primo, & non ante; & brevia prius impetrata procedant. Brevia mortis antecessoris, de nativis, & de ingressu, non excedant ultimum reditum domini Regis Johannis [Patris nostri [b]] in Angliam. Brevia Nove disseisine non excedant primam transfretacionem domini Regis Henrici, qui nunc est in Vasconiam: Et locum habeat ista provisio a tempore predicto; & brevia prius impetrata procedant.

'TOuching Conveyance of Descent in a Writ of Right from any Ancestor from the time of King Henry the elder, the Year and Day, it is provided, that from henceforth there be no Mention made of so long time, but from the time of King Henry our Grandfather; and this Act shall take effect at *Pentecost*, the One and twentieth Year of our Reign, and not afore, and the Writs before purchased shall proceed. Writs of *Mortdaunceſtor*, of *Nativis*, and *Entre*, shall not pass the last Return of King John from *Ireland* into *England*. Writs of *Novel disseisin* shall not pass the first Voyage of our Sovereign Lord the King, that now is, into *Gascoine*. And this Provision shall take his effect from the time aforesaid; and all Writs purchased before shall proceed.'

Co. Lit. 114. b. 115. b. 2 Inst. 94. *Altered by* 3 Ed. 1. c. 39. *and farther by* 32 H. 8. c. 2. 21 Jac. 1. c. 16. *See Index, tit.* Limation of Actions.

CAP. IX.

He is a Bastard that is born before the Marriage of his Parents.

VIII. AD breve [domini] R. de Bastardia, utrum aliquis natus ante matrimonium habere poterit hereditatem, sicut ille qui natus est post, Responderunt omnes Episcopi, quod nolunt, nec possunt, ad istud respondere; quia hoc esset contra communem formam ecclesie. Ac rogaverunt omnes Episcopi Magnates, ut consentirent, quod nati ante matrimonium essent legitimi, sicut illi qui nati sunt post matrimonium, quantum ad successionem hereditariam, quia ecclesia tales habet pro legitimis. Et omnes Comites & Barones una voce responderunt, quod nolunt leges Anglie mutare, que usitate sunt, & approbate [c].

'TO the King's Writ of Bastardy, Whether one being born before Matrimony may inherit in like manner as he that is born after Matrimony, all the Bishops answered, That they would not, nor could not, answer to it; because it was directly against the common Order of the Church. And all the Bishops instanted the Lords, that they would consent, that all such as were born afore Matrimony should be legitimate, as well as they that be born after Matrimony, as to the Succession of Inheritance, forasmuch as the Church accepteth such for legitimate. And all the Earls and Barons with one voice answered, that they would not change the Laws of the Realm, which hitherto have been used and approved.'

Fitz. Bastardy, 21, 22, 25, 27, 28, 30, 33. 1 H. 6. 3. 11 H. 4. 84. 39 Ed. 3. 14. 44 Ed. 3. 12. 12 Co. 72. 2 Inst. 96.

[a] Dominus *in marg.* [b] De Hibernia *in marg.* [c] Et ideo dominus Rex habet consilium suum sub qua forma procedendum est ad inquisitionem in Curia sua de talibus sic natis *in marg.*

CAP. X.

Attornies allowed to make Suit to ſeveral Courts.

Fitz. Attorney, 106.

'IT is provided and granted, that every Freeman, 'which oweth Suit to the County, Trything, 'Hundred, and Wapentake, or to the Court of his 'Lord, may freely make his Attorney to do thoſe 'Suits for him.'

Cotton *MS.*

IX. PRoviſum eſt inſuper, quod quilibet liber homo qui ſectam debet ad Comitatum, [Trithingum,] Hundredum, & Wapentachium, vel ad Curiam domini ſui, libere poſſit facere attornatum ſuum, ad ſectas illas pro eo faciend'.

Regiſt. 172.
F. N. B. 156, &c. 2 Inſt. 99. *See* 13 *Ed.* 1. *ſtat.* 1. *c.* 10. 7. *R.* 2. *c.* 14. *And* 15 *H.* 6. *c.* 7.

CAP. XI.

Lords ſhall not impriſon Offenders at their own Wills for Treſpaſſes in their Parks and Ponds.

'CONcerning Treſpaſſes in Parks and Ponds it is 'not yet diſcuſſed; for the Lords demanded the 'proper Impriſonment of ſuch as they ſhould take in 'their Parks and Ponds, which the King denied; 'whereof it was deferred.'

X. DE malefactoribus in parcis & vivariis non eſt diſcuſſum; quia Magnates petierunt propriam priſonam ſuam de illis quos ceperant in parcis & vivariis ſuis; quod quidem dominus Rex contradixit; & ideo differtur.

2 Inſt. 100.
By 3 *Ed.* 1. *c.* 20. *Malefactors in Parks and Ponds may be puniſhed by three Years Impriſonment. By* 21 *Ed.* 1. *ſtat.* 2. *Malefactors in Foreſts, Parks, &c. may be killed, if they will not ſtand to the King's Peace. By* 1 *H.* 7. *c.* 7. *hunting in diſguiſe in Parks is Felony.* 3 *W. & M. c.* 10. §. 5. *extends the Law againſt Deer-ſtealers, to incloſed Grounds where Deer are kept. And* 4 *&* 5 *W. & M. c.* 23. §. 4. *to Lords of Manors and Game-keepers, who may oppoſe Perſons in the Night. See Index, tit.* Parks and Ponds.

The Statute DE ANNO ET DIE BISSEXTILI, *made at* Weſtminſter, Anno 21 HEN. III. *and* Anno Dom. 1236.

The Day of the Leap Year, and the Day before, ſhall be holden for one Day.

Brac. 359.

"THE King unto his Juſtices of the Bench, greeting. Know ye, that where within our Realm "of England it was doubted of the Year and Day "that were wont to be aſſigned unto ſick Perſons be "impleaded, when and from what Day of the Year "going before unto another Day of the Year follow-"ing, the Year and Day in a Leap-Year ought to be "taken and reckoned how long it was:"

'II. We therefore, willing that a Conformity be 'obſerved in this behalf every where within our Realm, 'and to avoid all Danger from ſuch as be in Plea, 'have provided, and by the Councel of our faithful 'Subjects have ordained, That to take away from 'henceforth all Doubt and Ambiguity, that might ariſe 'hereupon, the Day increaſing in the Leap-Year ſhall 'be accounted for one Year, ſo that becauſe of that 'Day none ſhall be prejudiced that is impleaded, but 'it ſhall be taken and reckoned of the ſame month 'wherein it groweth; and that Day, and the Day 'next going before, ſhall be accounted for one Day: 'and therefore we do command you, that from hence-'forth you do cauſe this to be publiſhed afore you, and 'be obſerved. Witneſs myſelf at Weſtminſter, &c.'

Cotton *MS. Claudius*, D. 2.

REX Juſticiariis ſuiis de Banco, ſalutem. Sciatis quod cum in regno noſtro Anglie de Anno & die, qui languidis [*per breve noſtrum*] implacitatis prefigi conſueverunt, quando &, [*quo modo, ſcilicet,*] a quo die anni precedentis in alium diem anni ſubſequentis, debuit annus ille & dies in anno biſſextili accipi & computari, diu extiterit dubitatum:

II. Nos volentes conformitatem [*uniformitatem*] ubique in regno noſtro ſuper hoc obſervari, & periculis litigancium precaveri, providimus, & de conſilio fidelium noſtrorum ſtatuimus, quod ad delendum de cetero communem ſuper hoc ambiguitatem, computetur dies excreſcens in anno biſſextili in ipſo anno, Ita quod propter diem illum non occaſionentur aliqui implacitati, ſet ſit, & habeatur de menſe illo in quo excreſcit; & contineatur dies [*ille*] excreſens in integritate anni predicti, & computetur dies ille, & dies proxime predecens pro unico die. Et ideo vobis mandamus, quod hoc coram vobis publicari, & de cetero faciatis obſervari. Teſte me ipſo apud Weſtm. Anno regni regis H. quadrageſimo quarto.

Sentencia lata ſuper Cartas, &c.

Cotton *MS. Claudius*, D. 2.

ANNO gracie Milleſimo Ducenteſimo Quinquageſimo quarto tertii Idus Maii in maiori aula Weſtm' ſub precencia & aſſenſu domini H. dei gracia Regis Anglie illuſtris & Dominorum Ricardi Comitis Cornub' fratris ſui E. Com' Norff' & Suff' Mareſcall' Anglie H. Com' Hereford R. Com' Exon' J. Com' Warr' & aliorum optimatum Regni Angl.

Nos

Cotton *MS. Claudius*, D. 2.

Nos Bonifacius divina miſeracione Cantuar' Archiepiſcopus tocius Anglie Primas F. London' Epiſcopus H. Elien' S. Lincoln W. Wygorn' R. Norwicen' P. Hereford' W. Sarum Willielmus Dunelm' F. Exon' S. Carliol' Willielmus Bathon' L. Roff' Epiſcopi Pontificabilibus induti candelis accenſis in omnes tranſgreſſores libertatum eccleſiarum ſeu liberarum conſuetudinem regni Anglie & precipue earum que continent' in Carta communi libertatum regni & Carta de foreſta excommunicationis ſententiam ſolempniter dedimus ſub hac forma.

Auctoritate Dei patris omnipotentis filii & ſpiritus ſancti & glorioſe Dei genetricis Maria & bonorum Apoſtolorum Petri & Pauli omniumq; Apoſtolorum beati Thome Archiepiſcopi Martiris omniumq; martirum beati Edwardi Regis Anglie omniumq; Confeſſorum atque Virginum & omnium ſanctorum Dei excommunicamus anathematizamus & ab hominibus ſancte Matris Eccleſie ſequeſtramus omnes illos qui amodo ſcient' & malicioſe eccleſias privaverint vel ſpoliaverint ſuo jure.

Item omnes illos qui eccleſias vel antiquas regni conſuetudines approbatas & que in Carta communium libertatum regni & de foreſta continentur conceſſas a domino Rege Archiepiſcopis Epiſcopis & ceteres Angl' Prelatis Comitibus Baronibus Militibus & libere tenentibus quacumq; arte vel ingenio violaverint refugerint diminuerint vel mutaverint clam vel palam facto vel verbo vel conſilio contra illas vel illarum aliquam in quocumq; articulo temere veniendo.

Item omnes illos qui contra eas vel earum aliquam ſtatuta ediderint vel edita ſervaverint vel conſuetudines introduxerint vel ſervaverint introductas ſcriptores ſtatutorum necnon conſiliar' executores & qui ſecundum predicta preſumpſerint judicare qui omnes & ſinguli ſuperius memorati hanc ſententiam incurſuros ſe noverint ipſo facto qui ſcient' aliquid commiſerint de predictis qui vero ignoranter niſi convenienter infra quindenam a tempore ſummonicionis ſe correxerint & arbitrio ordinariorum plenius ſatisfecerint de commiſſis extunc hac ſentencia ſint involuti. Eadem ſentencia innodamus omnes illos qui pacem Regis & Regni preſumpſerint perturbare. In cujus rei teſtimonium ſive memoriam ſempiternam nos ſigna noſtra preſentibus duximus apponenda Teſte, &c.

The Statute, intituled, *Aſſiſa Panis & Cerviſiæ*, made *Anno* 51 HEN. III. Stat. 1. and *Anno Dom.* 1266.

The Prices of Bread and Ale ſhall be according to the Prices of Corn.

Cotton *MS. Claudius*, D. 2.

QUando quarterium frumenti venditur pro xii d. tunc panis quadrantis de Waſtello ponderabit ſex libras & ſexdecim ſolidos; Panis de Coket de eodum blado, & de eodem bultello, ponderabit pluſquam Waſtellum de duobus ſolidis; De blado minoris precii ponderabit pluſquam Waſtellum de quinque; panis vero de ſiminello ponderabit minus de Waſtello de duobus ſolidis, quia bis coctus eſt; Panis integer de quadrante de frumento ponderabit Coket & dimidium; Panis vero de trait [*trete*] ponderabit duos Waſtellos; Et panis de omni blado ponderabit duos Coketos. Quando quarterium frumenti venditur pro xviii d. tunc panis albus & bene coctus de quadrante de Waſtello ponderabit quatuor libras, decem ſolidos, & octo denarios: Quando pro duobus ſolidis, tunc ponderabit lxviii s. Quando pro duobus ſolidis vi d. tunc ponderabit liiii s. iiii d. ob. & q. Quando pro tribus ſolidis, tunc ponderabit xlviii s. Quando pro tribus ſolidis ſex denariis, tunc ponderabit quadraginta duos ſolidos: Quando pro quatuor ſolidos, tunc ponderabit triginta ſex ſolidos. Quando pro quatuor ſolidos ſex denariis, tunc ponderabit triginta ſolidos. Quando pro quinque ſolidis, tunc ponderabit viginti ſeptem ſolidos duos denar. ob. Quando pro quinque ſolidis vi d. tunc ponderabit xxiiii s. viii d. q. Quando pro ſex ſolidis, tunc ponderabit xxii s. viii d. Quando pro ſex ſolidis & ſex denariis, tunc ponderabit viginti ſolidos undecim denar. Quando pro ſeptem ſolidis tunc ponderabit xix. s. i d. Quando pro ſeptem ſolidis ſex denar. tunc ponderabit octodecim ſolidos ob. Quando pro octo

Repealed as to the Aſſiſe of Bread, by 8 Annæ, c. 18. ſtat. 1. *See* 3 Bur. 1859, &c. *The Preamble is not in the Original.*

'THE King to all to whom theſe Preſents ſhall come, Greeting. We have ſeen certain Ordinances of the Aſſiſe of Bread and Ale, and of the making of Money and Meaſures, made in the Times of our Progenitors, ſometimes Kings of England, in theſe Words: When a Quarter of Wheat is ſold for xii d. then Waſtel Bread of a Farthing ſhall weigh vi *l.* and xvi *s.* But Bread Cocket of a Farthing of the ſame Corn and Bultel, ſhall weigh more than Waſtel by ii *s.* And Cocket Bread made of Corn of lower Price, ſhall weigh more than Waſtel by v *s.* Bread made into a Simnel ſhall weigh ii *s.* leſs than Waſtel, becauſe it is twice baked. Bread of a Farthing made of the whole Wheat ſhall weigh a Cocket and an half. Bread of Treet ſhall weigh ii Waſtels. And Bread of common Wheat ſhall weigh two Cockets. When a Quarter of Wheat is ſold for xviii *d.* then Waſtel Bread of a Farthing white and well baked ſhall weigh iv *l.* x *s.* viii *d.* When for ii *s.* iii li. viii *s.*

When for ii *s.* vi *d.*	liv *s.* iv *d. ob. q.*
When for iii *s.*	xlviii *s.*
When for iii *s.* vi *d.*	xlii *s.*
When for iv *s.*	xxxvi *s.*
When for iv *s.* vi *d.*	xxx *s.*
When for v *s.*	xxvii *s.* ii *d. ob.*
When for v *s.* vi *d.*	xxiv *s.* viii *d. q.*
When for vi *s.*	xxii *s.* viii *d.*
When for vi *s.* vi *d.*	xx. *s.* xi *d.*
When for vii *s.*	xix *s.* i *d.*
When for vii *s.* vi *d.*	xviii *s.* i *d. ob.*
When for viii *s.*	xvii *s.*
When for viii *s.* vi *d.*	xvi *s.*

When

‘ When for ix *s.*	xv *s. q.*
‘ When for ix *s.* vi *d.*	xiv *s.* iv *d. ob. q.*
‘ When for x *s.*	xiii *s.* viii *d. d. q.*
‘ When for x *s.* vi. *d.*	xii *s.* xi *d.*
‘ When for xi *s.*	xii *s.* vi *d. d. q.*
‘ When for xi *s.* vi. *d.*	xi *s.* x *d.*
‘ When for xii *s.*	xi *s.* iv *d.*’

Cotton *MS. Claudius*, D. 2.

ſolidis tunc ponderabit xvii s. Quando pro octo ſolidis ſex denar. tunc ponderabit xvi s. Quando pro novem ſolidis, tunc ponderabit quindecim ſolidos q. Quando pro novem ſolidis ſex denar. tunc ponderabit xiiii s. iiii d. ob. Quando pro decem ſolidis, tunc ponderabit xiii s. viii d. q. Quando pro decem ſolidis ſex denar. tunc ponderabit xii s. xi d. Quando pro undecim ſolidis, tunc ponderabit xii s. iiii d. q. Quando pro xi s. ſex denar. tunc ponderabit xi s. x d. Quando pro xii s. tunc ponderabit xi s. iiii d.

Quando pro xii s. vi d. tunc ponderabit xi s. Quando pro xiii s. tunc ponderabit x s. i d. ob. Quando pro xiiii s. tunc ponderabit ix s. vi d. Quando pro xiiii s. vi d. tunc ponderabit ix s. ii d. ob. q. Quando pro xv s. tunc ponderabit ix s. ob. q. Quando pro xv s. vi. d. tunc ponderabit viii s. ix d. Quando pro xvi s. tunc ponderabit viii s. vi d. Quando pro xvi s. vi d. tunc ponderabit viii s. iii d. Quando pro xvii s. tunc ponderabit viii s. Quando pro xvii s. vi d. tunc ponderabit vii s. x d. ob. Quando pro xviii s. tunc ponderabit vii s. vi d. q. Quando pro. xviii s. vi d. tunc ponderabit vii s. iv d. ob. Quando pro xix s. tunc ponderabit vii s. ii d. q. Quando pro xix s. vi d. tunc ponderabit vi s. x d. Quando pro xx s. tunc ponderabit vi s. iii d.

‘ II. And it is to be known, that then a Baker in ‘ every Quarter of Wheat (as it is proved by the King’s ‘ Bakers) may gain iv *d.* and the Bran, and two Loaves ‘ for Advantage, for three Servants i *d. ob.* for two ‘ Lads *ob.* in Salt *ob.* for Kneading *ob.* for Candle *q.* ‘ for Wood ii *d.* for his Bultel i *d ob.* When a Quarter of Wheat is ſold for iii *s.* or iii *s.* iv *d.* and a ‘ Quarter of Barley for xx *d.* or ii *s.* and a Quarter of ‘ Oats for xv *d.* then Brewers in Cities ought and may ‘ well afford to ſell two Gallons of Beer or Ale for a ‘ Peny, and out of Cities to ſell iii Gallons for ‘ a Peny. And when in a Town iii Gallons is ſold for ‘ a Peny, out of a Town they ought and may ſell ‘ four. And this Aſſiſe ought to be holden throughout all *England*. The Aſſiſe of Bread (as it is ‘ contained in a Writing of the Marſhalſey of our Lord ‘ the King delivered unto them) may be holden according to the Price of Wheat, that is to ſay, as ‘ well Waſtel, as other Bread of the better, ſecond, or ‘ third ſort, ſhall be weighed, as is aforeſaid, by the ‘ middle Price of Wheat; and the Aſſiſe or Weight ‘ of Bread ſhall not be changed but by Sixpence increaſing or decreaſing in the Sale of a Quarter.

II. Et ſciendum eſt quod piſtor poteſt lucrari in quolibet quarterio frumenti, ut probatum eſt per piſtores domini Regis, quatuor denarios & furfur, & duos panes ad furnagium; tribus ſervientibus unum denarium & obolum; duobus garconibus obolum; in ſale obolum in geſto obolum in candelis q. in boſco ii d. [*ob. q.*] in bultello habendo denar. & ob. [a] Quando quarterium frumenti venditur pro tribus ſolidis, vel quadraginta denariis, & ordeum pro viginti denar. vel duobus ſolidis & quarterium avene pro quindecim denariis, tunc bene poſſunt braciatores vendere in civitatibus duas lagenas cerviſie ad denarium, & extra debent vendere tres *lagenas* ad denarium. Et quando in Burgo venduntur tres lagene ad denarium, extra debent vendi quatuor, & bene poſſunt. Et iſta aſſiſa debet teneri per totam Angliam [*ex proviſione domini H. regis tercii*].

31 Ed. 1. p. 68. *Enforced by* 25 Ed. 3. ſtat. 5. c. 13. 2 Inſt. 311. Fleta 2. c. 12. p. 72. Keilw. 87. b. *See* 11 *H.* 7. *ſt.* 4. *ordaining a Weight and Meaſure according to the Standard in the Exchequer, to be ſent to every City, Borough, &c.*

‘ III. By the Conſent of the whole Realm of *England*, the Meaſure of our Lord the King was made; ‘ that is to ſay, That an *Engliſh* Peny, called a *Sterling*, round and without any clipping, ſhall weigh ‘ xxxii Wheat Corns in the midſt of the Ear, and xx *d.* ‘ do make an Ounce, and xii Ounces one Pound, and ‘ viii Pound do make a Gallon of Wine, and viii Gallons of Wine do make a *London* Buſhel, which is the ‘ Eighth Part of a Quarter. Foraſmuch as in our Parliament holden at *Weſtminſter*, in the firſt Year of ‘ our Reign, we have granted that all good Statutes and Ordinances made in the Times of our Progenitors aforeſaid, and not revoked, ſhall be ſtill held, ‘ we have cauſed, at the Requeſt of the Bakers of our ‘ Town of *Coventry*, that the Ordinances aforeſaid, ‘ by tenor of theſe Preſents, ſhall be exemplified. In ‘ Witneſs whereof, *&c.* Witneſs the King at *Weſtminſter*, the xxii Day of *March*.’

Et ſciendum quod ſi piſtor vel braciatrix convicti fuerint, quod predictas aſſiſas non ſervaverunt, primo, ſecundo, tercio, amercientur ſecundum quantitatem delicti ſui; & hoc quotieſcunque piſtor defecerit in pondere panis quadrantis citra duos ſolidos, quod tunc amercietur, ut predictum eſt; ſet ſi excedat ii s. debet ſubire judicium pillorie, ſine aliqua redemcione pecunie: Eodem modo fiat, ſi pluries deliqueret, & caſtigari noluerit, tunc pacietur judicium corporis, ſcilicet colliſtrigium, ſi defecerit in pondere panis quadrantis citra ii s. ut predictum eſt; Simili modo braciatrix ſubeat trebuchetum vel caſtigatorium, ſi pluries deliquerit, & caſtigari noluerit.

[a] Et fait aſſavoir que laſſiſe de pain & de cervoiſe ne ſe chaunge pas forque per vid. enoreſſant ou amenuſant en le quartre, *in marg.*

The

The Statute made Anno 51 Hen. III. *Stat.* 2. *and* A. D. 1266.

Dies communes in Banco.

Concerning general Days in Bank in Real Actions.

Cotton *MS. Claudius*, D. 2.

SI breve venerit in Octabis ſancti Michaelis, tunc dabitur dies in Octabis ſancti Hilarii; Si in quindena ſancti Michaelis, in quindena ſancti Hilarii; Si in tres ſeptimanas ſancti Michaelis in octabis [*craſtino*] Purificacionis beate Marie; Si in craſtino Animarum, in quindena Paſche; Si in Craſtino ſancti Martini, in tres ſeptimanas Paſche; Si in Octabis ſancti Martini, in menſem Paſche; Si in quindena ſancti Martini, in quinque ſeptimanas Paſche. Et eſt quidem dies ſpecialiter datus in craſtino Aſcencionis Domini, & tantum valet, quantum quinque ſeptimanas Paſche; Si in quindena ſancti Hilarii, in octabis ſancte Trinitatis, & aliquando in craſtino ſancti Johannis Baptiſte; Si in Craſtino Purificacionis, in octabis ſancti Johannis; Si in Octabis Purificacionis, in quindena ſancti Johannis; Si in quindena Paſche, in octabis ſancti Michaelis; Si in tres ſeptimanas Paſche, in quindena ſancti Michaelis; Si in menſe Paſche, in tres ſeptimanas ſancti Michaelis; Si in quinque ſeptimanas Paſche, vel in Craſtino Aſcenſionis Domini, in menſe ſancti Michaelis; Si in octabis ſancte Trinitatis, in Craſtino Animarum; Si in quindena ſancte Trinitatis, vel in Craſtino ſancti Johannis Baptiſte, in Craſtino ſancti Martini; Si in Octabis ſancti Johannis Baptiſte, in Octabis ſancti Martini; Si in quindena ſancti Johannis Baptiſte, in quindena ſancti Martini: Et ſic reſpondet quilibet terminus alii.

'IF a Writ come in the *utas* of St. *Michael*, a Day ſhall be given thereupon unto the *utas* of St. *Hilarii*; And if it come in the *quinzime* of St. *Michael*, Day ſhall be given unto the *quinzime* of St. *Hilarii*; If it come in the three Weeks after St. *Michael*, the Day ſhall be *craſtino Purificationis*; If in *craſtino Animarum*, then in the *quinzime* of *Eaſter*; [If in *craſtino Martini*, then in the three Weeks after *Eaſter*] If in the *utas* of St. *Martin*, then in *Eaſter* Month; If in the *quinzime* of St. *Martin*, then within five Weeks after *Eaſter*; and alſo there is Day ſpecially given in *craſtino Aſcenſionis*, and it countervaileth as much as within five Weeks after *Eaſter*; if in *quindena Hilarii*, then in *utas Trinitatis*; and ſometime in *craſtino* of St. *John Baptiſt*; If in *craſtino Purificationis*, then in utas of St. *John Baptiſt*; If in the *utas* of the *Purification*, then in *quindena* of St. *John Baptiſt*; If in *quindena Paſchæ*, then in the *utas* of St. *Michael*; If within three Weeks after *Eaſter*, then in *quindena* of St. *Michael*; If within *Eaſter* Month, then within three Weeks of the Feaſt of St. *Michael*; If within five Weeks after *Eaſter*, or in *craſtino Aſcenſionis*, then within a Month after the Feaſt of St. *Michael*: If in the *utas* of the *Trinity*, then in *craſtino Animarum*; if in *quindena Trinitatis*, or in *craſtino* of St. *John Baptiſt*, then in *craſtino Martini*; If in the *utas* of St. *John Baptiſt*, then in the *utas* of St. *Martin*; If in *quindena* of St. *John Baptiſt*, then Day ſhall be given unto *quindena Martini*; and ſo every Term ſhall anſwer to other.' Altered by 32 H. 8. c. 21. & by 16 Car. 1. c. 6.

The Statute made Anno 51 Hen. III. *Stat.* 3. *and* Anno Dom. 1266.

Dies communes in Banco in placito dotis.

Concerning general Days in a Writ of Dower.

Cotton *MS. Claudius*, D. 2.

SI breve venerit in octabis ſancti Michaelis, dabitur dies in craſtino Animarum; Si in quindena ſancti Michaelis, in craſtino ſancti Martini; Si in tribus ſeptimanis ſancti Michaelis, in octabis ſancti Martini; Si in menſe ſancti Michaelis, in quindena ſancti Martini; Si in craſtino Animarum, in octabis ſancti Hilarii; Si in craſtino ſancti Martini, in quindena ſancti Hilarii; Si in octabis ſancti Martini in craſtino Purificacionis beate Marie; Si in octabis ſancti Hilarii, in quindena Paſche; [*Si in quindena ſancti Martini, in octabis Purificacionis beate Marie; Si in octabis ſancti Hilarii, in quindena Paſche; Si in quindena ſancti Hilarii,*

'IF the Writ do come in *octabis Michaelis*, Day ſhall be given until *craſtino Animarum*; If it come in *quindena Michaelis*, Day ſhall be given until *craſtino Martini*; If within three Weeks after the Feaſt of St. *Michael*, then in *octabis Martini*; If in *menſe Michaelis*, then in *quindena Martini*; If in *craſtino Animarum*, then in *octabis Hilarii*; If in *craſtino Martini*, then in *quindena Hilarii*; If in *octabis Martini*, then in *craſtino Purificationis*; If in *quindena Martini*, then in *octabis Purificationis*; If in *octabis Hilarii*, then in *quindena Paſche*; If in *quindena Hilarii*, then in *tribus ſeptimanis Paſchæ*; If in *craſtino Purificationis*, then in *menſe Paſche*; if in *octabis*

‘ *tabis Purificationis*, then *in craſtino Aſcenſionis*; If ‘ in *quindena Paſchæ*, then in *octabis Trinitatis*; If in ‘ *tribus ſeptimanis Paſchæ*, then in *quindena Trinitatis*, ‘ or in *Craſtino Sancti Johannis Baptiſte*; If in *menſe* ‘ *Paſchæ*, then in *octabis Johannis Baptiſtæ*; If in ‘ *quinque ſeptimanas Paſchæ*, then in *octabis Johan-* ‘ *nis*; If in *craſtino Aſcenſionis*, then in *quindena* ‘ *Johannis*; If in *octabis Trinitatis*, then in *octabis* ‘ *Michaelis*; If in *quindena Trinitatis*, or in *Craſtino* ‘ *Sancti Johannis Baptiſte*, then in *quindena Michaelis*; ‘ If in *octabis Johannis Baptiſtæ*, then in *tribus ſeptima-* ‘ *nis Michaelis*; *If in* octabis Johannis Baptiſtæ, *then* ‘ *in tres ſeptimanas Sancti* Michaelis; If in *quindena* ‘ *Johannis Baptiſte*, then in *Menſem Sancti Michaelis.*

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in tres ſeptimanas Paſche; Si in craſtino Purificatio-nis; in menſe Paſche;] Si in octabis Purificacionis, in craſtino Aſcenſionis Domini; Si in quindena Paſche, in octabis ſancte Trinitatis; Si in [a] tres ſeptimanis Paſche, in quindena ſancte Trinitatis, vel in craſtino ſancti Johannis Baptiſte; Si in menſe Paſche, in octabis ſancti Johannis Baptiſte; [*Si in quinque ſeptimanas Paſche, in octabis ſancti Johannis Baptiſte*;] Si in craſtino Aſcenſionis Domini, in quindena ſancti Johannis Baptiſte; Si in octabis ſancte Trinitatis, in octabis ſancti Michaelis; Si in quindena ſancte Trinitatis, vel in craſtino ſancti Johannis Baptiſte, in quindena ſancti Michaelis; Si in octabis ſancti Johannis Baptiſte, in tres ſeptimanas ſancti Michaelis; Si in quindena ſancti Johannis Baptiſte in menſem ſancti Michaelis.

Altered by 32 H. 8. c. 21. & 16 Car. 1. c. 6. *And ſee* 24 *Geo.* 2. *c.* 48. *for the farther Abbreviation of Michaelmas Term: And the* 4*th Sect. of the ſame Statute ordaining that in Dower after Iſſue joined there need not be above* 15 *Days between the Teſte and Return of the Venire, &c.*

[a] Tribus Septimanis.

The Statute De Diſtrictione Scaccarrii, *made* Anno 51 HEN. III. *Stat.* 4. *and* Anno Dom. 1266.

What Diſtreſs ſhall be taken for the King's Debts, and how it ſhall be uſed.

The Owner may feed his Cattle impounded. Bro. Diſtr. 72. 9 Ed. 4. f. 2. 5 H. 7. f. 9. 21 Ed. 4. f. 53.

“ FOraſmuch as the Commonalty of the Realm “ hath ſuſtained great Damage by wrongful ta- “ king of Diſtreſſes, which have been made by “ Sheriffs, and by other the King's Bailiffs, for the “ King's Debt, or for any other cauſe;” ‘ It is therefore provided and ordained, that * *when a Sheriff, or any other Man doth take the Beaſts of other*, they to whom the Beaſts do belong may give them their Feeding without Diſturbance (ſo long as they be impounded) without giving any thing for their keeping. And that the Beaſts, nor no other Diſtreſs taken for the King's Debt, nor for any other cauſe, be given ne ſold within Fifteen Days after the taking. And if any bring the Tally of a Payment made in the Exchequer, the Diſtreſs ſhall ceaſe. And if he bring the Tally of any Sheriff or Bailiff, of Payment made to them of the thing demanded, and will find Pledges that he will appear in the Exchequer, upon the next account, to do as Right ſhall require, then the Diſtreſs ſhall ceaſe. And the Sheriff or Bailiff ſhall cauſe him to be attached that ought to have acquitted him, if he appear upon the ſame account, to do as Right ſhall require; and there ſhall have the names of the pledges. Yet it is provided, that no man of Religion, nor other, ſhall be diſtrained by his Beaſts that gain his Land, nor by his Sheep, for the King's Debt, nor the Debt of any other man, nor for any other cauſe, ‡ by the King's or other Bailiffs, but until they can find another Diſtreſs, or Chattels ſufficient whereof they may levy the Debt, or that is ſufficient for the Demand (except impounding of Beaſts that a man findeth in his Ground, *Damage feaſant*, after the Uſe and Cuſtom of the Realm.) And that ſuch Diſtreſſes be reaſonable, after the Value of the Debt or Demand, and by the Eſtimation of Neighbours, and not by Strangers, and not outrageous. Howbeit, the King willeth and commandeth, that Sheriffs, or their Bailiffs, that

* *The Words in Italicks are not in the Original.*

No Sale of Diſtreſs within 15 Days. *See farther Index, tit.* Diſtreſs. No Diſtreſs ſhall be taken of Plough-Cattle or Sheep.

‡ For *by the King's or other Bailiffs*, read *by the King's Bailiffs or other Perſon. Enforced by* 28 Ed. 1. ſtat. 3. c. 12. Regiſt. 97. Raſt. 226. Bro. Diſtreſs, f. 31, 67. 4 H. 7. f. 8. Dyer, f. 312. Fitz. Brief, 662.

Cotton *MS. Claudius*, D. 2.

PUrceo qe la comunalte du roialme ad eu graunt damage per torcenouces priſes, quount eſte faites per viſcountes, & per autres Bailliffs le Roi, per acheſon de la dette le Roi, ou per autre acheſon; purveu eſt que ceux as queux les avers ſount les puiſſent peſtre de lour ſaunz deſtourber, quaunt eux ſerrount emparkez, ſaunz rien doner pur la garde; & que les avers, ne nulla autre deſtreſſe pris pur la dette le Roi, ou per autre encheſon, ne ſoient venduz [*ne donez*,] deinz les xv. jours [*de la priſe.*] Et ſi nul porte taille come de paie faite a Leſcheqer, ceſſe la deſtreſce & ſil [*ſi nul*] porte taillie de nul Viſcounte ou de Baillif de paie fate a lui de la choſe demaunde, & voille trover plegges deſtre al Eſcheqer al proſchein acompt, afaire qe droit ſerra, adonqes ceſſa la deſtreſſe, & qe le Viſcount, ou les bailiffs, face attacher lui que les deuſt aveir aquite, ſil ſoit ſur meſme lacompte, afaire ſur ceo qe droit ſerra; & eit illoeques les nouns des plegges. Unqore eſt purveu, qe null homme de religion, nautre, ſoit deſtreinte per [*ſes*] beſtes qe gaignent ſa terre, ne per ſes berbis, pur la dette le Roi, ne pur la dette dautri ne per autre encheſon, per le baillif le Roi, ne per autre homme, taunt come lem trove autre deſtreſce, & autres chateux ſuffiſauntz, dount *ils poient* lever la dette, ou *ceo* qe ſuffice al demaunde, horſpris emparkementz des beſtes quaunt homme les trove feſauntz damage, ſelonc leie & luſage de la terre: & qe les deſtreſces ſoient reſonables a la mountaunce de la dette, ou de la demaunde [*damage*,] ſelonc reſoun, & noun pas outrageous [*la value per eſtimacion des veſins, & nemye per eſtranges.*] Unqore voet le Roi, & comaunde, que touz les Viſcountes & les Baillifs, qount reſcue les dettes le Roi de la ſomons del Eſcheqer, & qi naquitent de ceo les dettours ſur lour proſchein acompte ſoient puniz ſelonc les eſtatutz

52 H. 3. c. 4. 29 E. 3. f. 16. 29 E. 3. f. 24. 41 E. 3. f. 26. *See* 1 Bur. 586, 588.

nadgairs

Cotton *MS.*

nadgairs faites. Et voet le Roi, qe touz les dettes de la ſomons de Leſcheqer, qe les Viſcountes, ou les Baillifs ount reſceu, qils ſoient maintenaunt allowez; le quel qils eient reſceu toute la dette, ou partie, iſſint qe mes ne viegne en ſomons, ceo qe le Viſcount avera conu ſoi aver reſceu, &c.

'have received the King's Debt of the Summons of the Exchequer, and have not acquitted the Debtors thereof at the next account, ſhall be puniſhed after the Statutes made thereupon. And the King willeth, that all Debts of Summons of the Exchequer that the Sheriff or Bailiff have confeſſed Receipt, ſhall be allowed him forthwith: ſo that whether he received all the Debt, or Part, it ſhall never come more in Demand nor Summons, after the Sheriff hath confeſſed the Receipt.'

A Sheriff, which receiveth the King's Debt, ſhall acquit the Debtor. *Enforced by* 3 Ed. 1. c. 19. *which ſubjects Sheriffs offending to a Penalty of treble the Receipt.*

Statutum De Scaccario, *made* Ann. 51 HEN. III. *Stat.* 5. *and* Anno Dom. 1266.

Amended by Stat. Rutland. 10 E. 1.

When the King's Fermors, Sheriffs, and Bailiffs, ſhall make their Accompts and Payments. Who ſhall be Eſcheators in ſeveral Shires.

Cotton *MS. Claudius*, D. 2.

LE roi voet, qe toutes maneres des Baillifs, Viſcountes, & autres Miniſtres le Roi, auxibien le Juſtice de Ceſtre, & les Baillifs des Iſles, come autres de touz maneres de reſceites des iſſues, des gardes, des eſchetes, de lour baillies, ſoient reſpoignantz al eſcheqer, & illoeqes rendent acompte al Treſorer, & as Barouns. Et qe touz les Viſcountes, Fermers, Baillifs des fraunchiſes, & autres, qi devent venir al profre del Eſcheqer, lendemain de ſeint Michel, & lendemain de la cluſe de Paſqe, pur paier lour fermes, rentes, & iſſues, qappendent au Roi, viegnent as avauntditz terms, & portent illoeqes pleinement les avauntdites fermes, rentes, & iſſues, & les paient al' Eſcheqer. Et ſi nul faile de paier pleinement ceo qil doit paier, ſicome avaunt eſt dit, ſon corps demoerge ſaunz departier jeſques a taunt qil eit paie, ou gree fait Et celui qi ne vendra as avantdites termes, ſoit amercie ſelonc les uſages del Eſcheqer. Et a meſmes les termes les Viſcountes & les Baillifs porterount les deniers, & paierount al Eſcheqer, ceo qils averount reſceu a la ſomons del Eſcheqer, & des autres dettes le Roi, & de touz les choſes avantdites ſoient preſtes & apparaillez defaire vewe dacompt.

Et touz les Baillifs des fraunchiſes, qi deivent les dettes le Roi [*lever*] & reſpounderont as Viſcountes a lour maundement, ſelonc les eſtretes de la ſomons del Eſcheqer, viegnent & reſpoignent ſuffiſantement. Et ceux qi ne frount, demoergent les corps de eux en la garde des Viſcountes; & les Viſcountes, pur lour defautes, envoierent lever les dettes per lour baillifs demeigne, & per la ou ils purrount, ſicome lem ſoleit faire en temps paſſe. Et ſi les Baillifs ne viegnent a reſpoundre a jour [*de ceo an & jour*] qe les Viſcountes les ferront aſſavoir, les Viſcontes entrent en les fraunchiſes, & facent lever les dettes per lour baillifs demeigne [*en meſme la manere.*]

En droit de Juſtice de Ceſtre, & des Baillifs des Iſles, voet le Roi, qils viegnent per aſcun de lour al profer de ſeint Michel cheſcun an, a rendre quaunt qils deivent au Roi a cel terme. Et a la [*profre de la*] cluſe de Paſqe, viegnent en meſme la manere, & portent ce qils deivent au Roi adonqes. Et le Juſtice de Ceſtre eit jour dacompt dan

'THE King commandeth, that all manner of Bailiffs, Sheriffs, and other Officers, as well the Juſtices of *Cheſter*, and other Bailiffs of theſe Counties, as other that be Receivers of Iſſues, of Wards, of Eſcheats, of their Bailiwicks, ſhall be anſwerable in the Exchequer, and there ſhall make account to the Treaſurer and Barons ‡ *of the ſame place.* And that all Sheriffs, Fermors, Bailiffs of Franchiſes, and other, who ought to come to the *Profer* in the Exchequer, the *Monday* after the Feaſt of St. *Michael*, and the *Monday* after the *Utas* of *Eaſter*, to pay their Ferms, Rents, and Iſſues belonging to the King, and † *ſhall bring at the foreſaid Terms, the foreſaid Ferms, Rents, and Iſſues due, wholly into the Exchequer, as before is mentioned.* And if they make default, their Bodies ſhall remain without departing from thence, until they have paid or made agreement; and he that will not come at the Terms aforeſaid, ſhall be amerced after the Cuſtom of the Exchequer; and the Sheriffs and Bailiffs at the ſame Terms ſhall bring and pay ſuch Money as they have received of the Summons of the Exchequer, and other the King's Debts, and ſhall be prepared and ready to make full accompt of the things aforeſaid.

When the King's Bailiffs and Officers ſhall accompt.

‡ *The Words in Italicks not in the Original.*

† For *ſhall bring at the aforeſaid Terms, &c.* read *ſhall come at the aforeſaid Terms, and ſhall there bring in full the aforeſaid Ferms, Rents and Iſſues, and pay them into the Exchequer.*

'II. And that all Bailiffs of Franchiſes, which ought to levy the King's Debts, and be anſwerable to the Sheriffs thereof, ſhall come and accompt ſufficiently, according to the Extreats of the Summons of the Exchequer; and ſuch as do not, their Bodies ſhall remain in Ward of the Sheriffs; and for Default in them, the Sheriffs ſhall cauſe the Debts to be levied by their own Bailiffs, where they have Power, as they have uſed to do in Time paſſed. And if the Bailiffs do not come in at the Day that the Sheriff ſhall give them knowledge, the Sheriff ſhall enter into the ſame Franchiſes, and levy the Debts with his own hand.

Bailiffs of Franchiſes accompt.

'III. Concerning Juſtices of *Cheſter*, and Bailiffs thereof, the King willeth, that they, or one of them, ſhall come at the *Profer* of St. *Michael* every Year, when they ought to give account unto the King; and at the *Profer* of the *Utas* of *Eaſter* they ſhall come likewiſe, and bring in that which they owe to the King for that Term; and the Juſtices of *Cheſter* ſhall

The Juſtices and Bailiffs of Cheſter's accompt.

‘ have Day to accompt from Year to Year in *quindena*
‘ *Paschæ*; and the Bailiffs thereof the Morrow of
‘ *Easter Utas*. And that all Sheriffs of *England*, ex-
Sheriffs shall keep the King's Wards and Escheats. *Altered by* 32 H. 8. c. 46. *which establisheth the Court of the King's Wards, and made obs. by* 12 Car. 2. c. 24. ‖ *The Meaning of this Sentence seems to be as follows:* —*And at their Turns which they make in their Shires, they*
‘ cept the Sheriffs of *Westmorland*, *Lancaster*, *Wor-*
‘ *cester*, *Rutland*, and *Cornwall*, shall from henceforth
‘ keep all such Wards and Escheats, that are not in
‘ other Fees, as belong to the King, which be within
‘ their Shires; and of the Issues thereof they shall be
‘ answerable in the Exchequer at the Terms afore-
‘ said; ‖ *and at their Turns that they make in their*
‘ *Shires, they shall find Office of other Things, which*
‘ *the King's Escheators have not used to find of that*
‘ *which belongeth unto the King*, *once* or twice in the
‘ Year, to as little Grievance of the People as they
‘ can. And the Sheriffs shall seize the Escheats that
‘ fall, to remain unto the King in Fee, and shall cer-
‘ tify the King of them without delay.

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en an a la xv. de Pasqe; & les Baillifs des Isles lendemayn de la cluse de Pasqe. Et que touz les Viscountes Dengleterre, horspris le viscounte de Westmerl', Lanc. Wirceștr', Roteland', & Cornewaill', deforemes gardent les gardes & les eschetes qe ne sount en fee, qappendent au Roi dedeins lour Countees; & des issues loialment respoignent al Escheqer as termes avauntdites; & as termes [*lour tournes*] qils frount per lour Countees, de lour offices, & des autres choses, qe les Eschetours ne leient faire, & qappent al [a] escheterie un foitz ou deux, au meindre meschief saunz grevance de poeple, qils purrount. Et les eschetes qe cherrount au roi a demurrier en fee, les Viscountes les seisent, & les facent savoir au Roi saunz delaie.

shall be answerable for their Offices, and for other Things which the Escheators used to do, and which belong to the Escheat, once, &c. N. B. What follows in the next Sentence but one clears up this Passage.

Three Surveyors.

‘ IV. And the King shall assign three able Persons
‘ that shall go throughout the Realm, to survey and
‘ find the Wards and Escheats aforesaid, from Year to
Wards and Escheats let to Ferm.
‘ Year, when they shall think requisite. And the
‘ Sheriffs by their Counsel shall approve, and let to
‘ Ferm, or otherwise, such Wards and Escheats, as
‘ they shall think most for the King's Advantage.

Sheriffs Escheators in other Shires.

‘ V. Touching the five Shires before named, the
‘ King will, that the Sheriff of *Cumberland* shall exe-
‘ cute the Office of Escheator in the Shires of *West-*
‘ *morland*, and *Lancaster*; and the Sheriff of *Notting-*
‘ *ham* in *Rutland*; and the Sheriff of *Gloucester*, in *Wor-*
‘ *cester*; and the Sheriff of *Devonshire* in *Cornwall*;
‘ and shall safely keep the King his Wards and Es-
‘ cheats in the same Shires, and shall be answerable
‘ in the Exchequer for the Issues of them, as well as
‘ for their own Shires. And the three able Persons
‘ aforesaid shall survey and extend such Wards and
‘ Escheats, as well there as in other Places, and those
‘ shall be approved by their Counsel. And when the
‘ Sheriffs do accompt for their Counties, they shall ac-
‘ compt for such Wards and Escheats. And in like
‘ manner shall the Justices of *Chester* do, and their
‘ Bailiffs also, every one for his Bailiwick. And the
‘ said three able Persons shall keep the King's Demeans,
‘ and shall approve them as they shall think best for the
‘ King's Advantage, and shall be answerable in the
‘ Exchequer for the Issues: And they shall have power
‘ to let forth small Manors and Demeans to folk of the
‘ same Places, or to other, according to their Discre-
‘ tion, and shall let them to Ferm from Year to Year,
‘ as they shall think most to the King's Profit: And
‘ the Fermors shall be chargeable for their Ferms unto
‘ the principal Approvers, and they unto the Exche-
‘ quer, the Morrow next after the Ascension, from
‘ Year to Year.

Et le Roi attournera trois prodes hommes, qi in
rount per tote la terre, pur [b] purfourver & estendre
les gardes & les eschetes avauntdites, de an en an,
quaunt ils verrount qe bon foit. Et les Viscountes
per counseil de eux proverount per mettre a ferme
& en autre manere, tiels gardes & eschetes en la
manere qils verrount, qe mieux foit al pru le Roi.
Et en les cynk Countees avauntnomes, voet le
Roi, qe le Viscounte de Cumberl' face loffice de Es-
cheterie en les Countees de Westmerl, & Lanc. &
celui de Not' en Rotel'; & celui de Lancaster [*&*
Glouceștre] en Wirceștre; & celui de Devenshire en
Cornewaill, & souvement gardent les eschetes [*&*
les gardes] au Roi, & de mesmes les Countees, &
respoignent des issues al Escheqer, si come ils doi-
vent faire de lour Countees. Et les trois prodes
hommes avauntditz surverount & estenderount tiels
gardes & eschetes, sicome aillours, & per le coun-
seil deux soient appruez. Et quaunt les Viscoun-
tes acompterount de lour acomptz, si accompte-
rount des gardes & des eschetes. Et per mesme la
manere face le Justice de Ceștre, & les Baillifs de
Isles, chescun en sa baillie. Et les prodes homme
avauntdites garderount les demeignes le Roi, & les
emprowerount selonc ceo qils verront qe mieux
soit al oeps le Roi, & responderount al Escheqer
des issues: Et mesmes ceux averount poer de bail-
ler petitz maneres en meins a les gentz des mesme
les villes [*lieux*] ou as autre, selonc lour discrecion
a fermes certeins de an en an, per la ou ils verroun
qe soit apru le Roi. Et yceux fermers respounde-
rount des issues a ceux avauntditz principals ap-
provers, & [*soient*] eux al Escheqer lendemain de
Ascension, de an en an.

Collectors of the Custom of Woolls.

‘ VI And the principal Collectors of the Custom of
‘ Woolls, at the two Terms before mentioned, shall
‘ pay all such Money as they have received of the said
‘ Custom, and shall make accompt from Year to Year
‘ clearly of all Parcels received in any of the Ports, or
‘ other Places of the Realm, so that they shall answer
‘ for every Ship where it was charged, and how much
‘ Wooll it carried, and for every other Charge in the
‘ Ship, whereof Custom is due, and for the whole
‘ Receipt.

Et qe les [*principales*] Coillours de la custume
des leins paient, a les deux termes avantditz, tout
les deniers, qils averont pris [*coillez*] & reseu de
lavauntdit custume, & dan en an rendent acompt
apertement & distinctement de touz les parcels re-
sceux per toutes les portes, & per toute la terre
issint qil respoigne de chescun neef, ou ele ser-
charge, & come bien ele portera de la leine, &
dautre aver charge en la nief, de custume qest due
& de toute la reseite.

[a] Escheqier *in marg.* [b] perfourver.

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Et le gardein de la Garderobe le Roi rende acompt de an en an al Eſcheqer a le ſeint Margarete; Et le Treſorer & les Barouns de Leſcheqer ſoient chargez per ſerement, qils nentendrount doier les plees des quereles de nullui, taunt come ils eient affaire des buſoignes le Roi, ſi ce neſt querele qe touche la dette le Roi meſmes. Et quaunt Viſcount ou Baillif eit comence de acompter, nul autre ne ſeit reſceu de aconter tanque le primer qe ſoit aſſis eit peraccompte, & qe la ſomme ſoit reſceu. Et qe le Coneſtable, & le Mareſchal, & les mareſchalx, & les Chamberleyns, & les autres, qi ſont de fee al Eſcheqer, deſoremes perſentent au Roi meſmes ceux qils metterount en lour lieux affaire lour office de lieux: & celes gents ſoient de bone fame, & qils ſoient ſuffiſeantz, & tieux pur qi fates ils voillent reſpoundre.

Et le Roi enjoint al Treſorer & as Barouns, en la foi qils lui deivent, & le ſerment qils fount, qils ne mettent autres deputes depar eux qe ceux qi fount reſceux. Et qe Leſcheqer ne ſoit charge de pluis de gentz qe mieſtre eſt. Et qe nul de laviz jure le Roi mette homme pur lui, ne clerc, ne lay, qil ne ſoit jure de laviz, & ceo ſaunz eſpeciale conge le Treſorer. Et ſi null' le face, ſoit maintenaunt remue de ſon office, & null' autre ne ſoit reſceu en ſon lieu ſaunz le Roi. Et ſi celui qi ſerra mys, & celui qi lavera mys, ſoit puny, ſelonc le treſpas. Et ſi ambedeux ne ſuffiſent, ſoient puniz oveſque le ſeignour [ſovereigne,] quel qil ſoit de fee, ou de autre en ſon lieu, tanqe le Roi eit autre choſe ordene. Et ſi celui qi avera tenu le lieu dautre per conge le Treſorer, face choſe qil ne deyve [*doit faire*,] ſoit puny ſelonc le treſpas, ſil ad de quoi; & ſil nad de quoi, celui qi lavera mys reſpoigne de ſon treſpas Et ſi celui ne ſuffice, reſpoigne celui qi le avera mys en loffice, le quel qil ſoit, de fee ou dautre. Et touz ceux *de laviz* facent le ſerement, qe ſi null puis perceiver qe autre face deſleaute, ou malveiſte, ou autre choſe, face aſſavoir au Treſorer & as Barouns, ou aſcun de ceux, qi le face amendre, & ſi mieſtre ſoit, facent ſavoir au Roi. Et qe entour la feſte de ſeinte Margarete, avaunt qe Leſcheqer ſoit clos, face cheſcun an bien ſerchier & veer, ſi Viſcount, ou autre Baillif, qi deuſt avoir acompt cel an, neit acompte, [a] ſon acompt ſoit primerement oy apres le ſeint Michel, avaunt ceo qe nul autre Viſcounte ſoit reſceu dacompter. Et ſi ceo ſoit autre Baillif, ſoit maunde, ou deſtreint, qil viegne a certein jour dacompter, iſſint qe nul acompt ſoit ſuffiert dendormer. Et purceo qe les Coneſtables, Viſcountes, & autres [*bailliffs*] ount meintefoitz eu outrageous allowances per faux teſtmoignance des overeignes le Roi, & des autres choſes purveus per ſes comaundementz, perveu eſt, qe touz les veours des overeignes le Roi ſoient eſluz per ſerement des prodes hommes, & tieux qi mieux ſachent, voillent & puiſſent a cel office entendre, & qe ſeient ſuffizans

'VII. And the Warden of the King's Wardrobe ſhall make accompt yearly in the Exchequer in the Feaſt of St. *Margaret*; and the Treaſurer and Barons of the Exchequer ſhall be charged by Oath, that they ſhall not attend to hear the Pleas or Matters of other Men, while they have to do with the King's Buſineſs, if it be not a Matter that concerneth the King's own Debt. And when a Sheriff or Bailiff hath begun his Accompt, none other ſhall be received to accompt, until he that was firſt appointed hath clearly accompted, and his Money received. And that the Conſtable, Marſhal, Chamberlain, and other that are of Fee in the Exchequer, from henceforth ſhall preſent unto the King ſuch as they have put in their Places to do their Offices, which muſt be of good Fame, and ſufficient, for whoſe Acts themſelves will anſwer.

The Accompt of the Keeper of the King's Wardrobe. The King's Debt ſhall firſt be heard.

'VIII. And the King commandeth the Treaſurer, and Barons of the Exchequer, upon their Allegiance, and by the Oath that they have made to him, that they ſhall not aſſign any in their rooms, but ſuch as this Act meaneth of, and that the Exchequer be not charged with more Perſons than is neceſſary. And that none of them, that be ſworn to the King, ſhall put in his room any other Clerk or Lay Perſon, except he be ſworn, without ſpecial Licence of the Treaſurer; and if any be, he ſhall be forthwith removed from his Office, and none other ſhall be received in his ſtead without the King's Licence. And if any that is received without the Treaſurer's Licence do treſpaſs after, Puniſhment ſhall be done as well to the Aſſignor as to him that is aſſigned, according to the Treſpaſs. And if both be unſufficient, their Superior ſhall be puniſhed, whether he be Officer of Fee, or other. And the Treaſurer ſhall put no other in his room, until he hath Commandment from the King. And if he that keepeth the room of another, by Licence of the Treaſurer, doth any thing that he ought not to do, he ſhall be puniſhed according to the Treſpaſs, if he have whereof; and if he have not, he that put him in Office ſhall be charged for his Treſpaſs; and if he that put him in Office be not ſufficient, his Superior ſhall be charged, whether he be of Fee, or otherwiſe.

Deputy-Officers in the Exchequer.

'IX. And they * of the Wooll-ſtaple ſhall make Oath, that if any of them may perceive that another doth commit any Default, Offence, or other thing † *diſhoneſt in the Office of the Wooll-ſtaple, or that he hath done before*, that they ſhall certify it to the Treaſurer, or to the Barons, or to ſome of them, who ſhall cauſe it to be amended, or to the King himſelf, if need require. And that about the Feaſt of St. *Margaret*, before that the Exchequer be cloſed, they ſhall cauſe a Search to be made, whether any Sheriff or Bailiff, that ought to have accompted the ſame Year, have not, and thereupon a Remembrance in a Roll ſhall be made by itſelf. And if it be a Sheriff, his Accompt ſhall be firſt heard after *Michaelmas*, before that any other be received to accompt: And if he be a Bailiff, he ſhall be ſummoned or diſtrained to come at a certain Day for to accompt, ſo that no Accompt ſhall be ſuffered to ſleep. And foraſmuch as Sheriffs, Conſtables, and other, obtain many times outrageous Allowances, by Pretence of the King's Works, and other Things done and provided by his Commandment; it is provided, that all Surveyors of the King's Works ſhall be choſen by the Oath ‡ of

* Of the Wooll-ſtaple is inſerted by Miſtake.

† *Not in the Original.*

The King's Officers that ought to accompt.

Surveyors of the King's Works.

‡ Of good Men.

[a] *The Original ſeems here imperfect.*

‘ Twelve Men, and of ſuch as are beſt ſkilled, and will ‘ and may attend beſt to that Office; and that they be ‘ ſufficient to anſwer the King, if need be, and ſhall ‘ ſwear that they bear lawful witneſs. And if the King ‘ or Barons of the Exchequer have any Suſpicion of ‘ falſe Allowances of Charges, or other Things, ‘ the Truth muſt be inquired; and he that is attainted ſhall anſwer to the King for as much as the Allowance amounteth unto, and ſhall be impriſoned ‘ † *one Year and forty Days*, and ſhall be puniſhed at ‘ the King's Pleaſure, and the Surveyors ſhall be puniſhed for their Conſent. And likewiſe he that upon ‘ the Accompt did conceal and keep ſecret ſuch ‘ Things, whereof he ought to have charged himſelf, ‘ ſhall be puniſhed in like wiſe as he that admitted ſuch ‘ falſe Allowances.

† *Not in the Original.*

Extreats of Fines and Amerciaments ſhall be delivered in the Exchequer. *See* 37 *Ed.* 3. *c.* 4. & 1 *Rich.* 2. *c.* 5. *concerning the Duty of Clerks of the Exchequer.*

‘ X. And that all the Juſticers, Commiſſioners, and ‘ other, ſhall from henceforth deliver into the Exchequer, at the Feaſt of St. *Michael*, from Year to Year, ‘ the Extreats of Fines and Amerciaments made and ‘ taxed before them, and of all Things wherefore the ‘ Extreats are wont to be delivered there. And they ‘ of the Exchequer ſhall make Extreats of the Summons through all Shires, ſaving that the Extreats in ‘ the Eyre of all Pleas ſhall be delivered immediately ‘ after the Eyre made.’

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de reſpoundre au Roi, ſi mieſtre ſoit, & ſoient jurez qe ils porterount loial teſmoignaunce. Et ſi le Roi, ou les Barouns [*de leſcheqer*] eient null' en ſuſpecion de faux allowance faite des overeignes, ou dautre choſe, ſi ſoit la verite en requiſe; & celui qi ſerra atteint de ceo reſpoigne au Roi de taunt come cele allowaunce amounte, & eit la priſone, & ſoit puny a la volunte le Roi, & les veours ſoient reintz [*puniz*] pur le conſente. Et per meſme la manere celui qi avera concele ſur acompt les choſes dount il ſe deuſt charger, ſoit puny come celui qi avera [*fait*] faux allowance.

Et qe les Juſtices, enquerrours, & autres, deſoremes liverent al Eſcheqer, a la ſeient Michel, de an en an, lour eſtretes des fins, & des amerciementz faites & taxez devaunt eux, de touz les choſes dount eſtretes ſoleient eſtre liverez illoeqes. Et ceux de Lecheqer facent leſtrete de la ſomons per touz les Countees, ſauve ceo qe leſtrete en eire de Juſtices de touz plees ſoient maintenaunt liveres apres leire fait.

JUDICIUM PILLORIE.

A Statute of the Pillory and Tumbrel, *and of the* Aſſize of Bread and Ale, *made* Anno 51 HEN. III. *Stat.* 6. *and* A. D. 1266.

The Puniſhment of a Baker or Brewer offending.

Repealed as to the Aſſize of Bread by 8 Ann. c. 18. ſ. 1.

‘ IF a Baker or a Brewer be convict, becauſe he hath not obſerved the Aſſize of Bread and Ale, the firſt, ſecond, and third time, he ſhall be amerced according to his Offence, if it be not over grievous; but if the Offence be grievous and often, and will not be corrected, then he ſhall ſuffer Puniſhment of the Body, that is to wit, a Baker to the Pillory, and a Brewer to the Tumbrel, or ſome other Correction. Firſt, ſix lawful Men ſhall be ſworn truly to gather all Meaſures of the Town, that is to wit, Buſhels, half and quarter Buſhels, Gallons, Pottles, and Quarts, as well of Taverns as of other Places; Meaſures and Weights, that is to wit, Pounds, half Pounds, * and other little Weights, wherewith Bread of the Town or of the Court is weighed, that is to ſay, one Loaf of every ſort of Bread. And upon every Meaſure, Buſhel, Weight, and alſo upon every Loaf, the Name of the Owner diſtinctly written; and likewiſe they ſhall gather the Meaſures of Mills. After which Thing done, twelve lawful Men ſhall ſwear to make true Anſwer to all ſuch Things as ſhall be demanded of them in the King's Behalf upon Articles here following; and ſuch Things as be ſecret, they ſhall utter ſecretly, and anſwer privately. And the Bailiffs ſhall be commanded to bring in all the Bakers and Brewers with their Meaſures, and all things under written. Firſt, they ſhall inquire the Price of Wheat, that is to wit, how a Quarter of the beſt Wheat was ſold the laſt Market-day, and how the ſecond Wheat, and how

* *The Word* Tronas *is omitted in the Tranſlation. According to* Fleta, Trona *is a Beam, and was uſed to weigh Wool; and* Tronage *is mentioned in Weſt.* 2. c. 25.

A Jury ſworn.

Of what things the Jury ſhall inquire.

Cotton *MS. Claudius*, D. 2.

SI Piſtor convictus fuerit, vel Braciatrix convicta, quod iſtas aſſiſas non obſervaverit, primo, ſecundo, & tertio, amercietur ſecundum quantitatem delicti, & non graviter deliquerit; & ſi graviter deliquerit & pluries, & caſtigari noluerit patiatur judicium corporis, ſcilicet, Piſtor colliſtrigium, & Braciatrix trebuchetum vel caſtigationem. Primo, ſex legales homines jurent fideliter colligere omnes menſuras ville, videlicet, buſſellum, dimidium buſſellum, & quartas buſſelli, omnes galones, potellos, & quartas, tam de tabernis, quam aliis; ulnas & pondera, ſcilicet libras, dimid. libras, tronas, ac minora pondera villarum, per que ponderant panem villarum, per que ponderant panem in Cur. ſcilicet de quolibet genere panis unum panem; Et ſuper menſuras, ulnas, pondera, tunc ſcribant ſuper ſingulos panes eorum nomina diſtincte, quorum ſunt; & menſuras molendinorum colligant. Poſtea xii. legales homines fideliter reſpondeant ad interrogata ab eis, [*que*] ex parte Regis querantur ab eis que ſcripta ſunt; & que ſunt ſcripta, proponant ſecrete, & privatim reſpondeant: & mandetur ballivis, quod habeant corpora omnium piſtorum, & omnium braciatricium, una cum menſuris & omnibus aliis ſubſcriptis. Primo queratur de vendicione frumenti, videlicet, quomodo vendebatur ultimo die quarterium frumenti melioris, & quomodo quarterium minoris precii, & quomodo tercii precii, & quomodo quarterium ordei & avene. Poſtea quomodo reſpondeant panes piſtoris

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ſtoris in Curia ſua, videlicet, Waſtellum, & alii panes, ſecundum vendicionem melioris precii, aut tercii precii. Item pro quanto incremento vel decremento in vendicione quarterii frumenti debeat piſtor mutare aſſiſam ſuam, & pondus panis ſui. Item quantum debeat ponderare Waſtellum de quadrante, & omnes alii panes, ſecundum vendicionem quarterii frumenti quam preſentant. Item pro quanto defectu ponderis panis de quadrante piſtor debeat amerciari, vel ſubire judicium pillorie, ſecundum conſuetudinem Curie ſue. Item ſi aliquis ſeneſcallus vel ballivus pro aliqua mercede remiſerit judicium pillorie, vel tumbrelli ajudicatum, vel de jure adjudicandum.

Item ſi habeatur in villa pilloria debite fortitudinis, ſecundum quod pertinet ad libertatem mercatorum, qua uti poſſint, ſi neceſſe fuerit, ſine periculo corporis hominis, & mulieris. Et poſtmodum queratur de aſſiſa & vendicione vini, poſt receſſum Juſticiariorum itinerancium, vel eorum [*ſociorum*] qui fuerunt ultimo in officio mercati in villa; videlicet, de nominibus vinetariorum, pro quanto vendiderunt ſextarium vini. Item ſi aliquod vinum ſit in villa corruptum, & corpori hominis non ſanum. De aſſiſa cerviſie in Curia ville, qualis ſit, & ſi obſervetur; ſin autem que braciatrices vendiderunt contra aſſiſam; & nomina earum diſtincte & apperte preſentent, & pro quolibet delicto amerciari debent, vel pati judicium [*pillorie vel*] tumbrelli, ſi contra aſſiſam vendiderunt.

Item ſi qui ſint in villa, qui per unam menſuram emunt, & per aliam venduñt. Item ſi quis utatur falſis ulnis, vel falſis ponderibus, aut menſuris. Item ſi quis carnifex vendiderit carnes ſuſteinatas, vel morte morina. [*Vel ſi quis emat carnes de Judeis, & eas vendit Chriſtianis.*] Item de Cocis, ſi qui decoquant carnes vel piſces in pane, vel in aqua, vel [*aliquo*] alio modo, non ſanas corpori hominis, vel poſtquam talia tenuerint, ita quod debitam naturam amiſerint, & ea recalefaciant & vendant. Item de forſtallariis, qui ante horam debitam, & in villa ſtatutam, aliquid emunt contra ſtatutum ville & mercati, vel qui exeant villam rebus venalibus obviantes, & extra villam emant, ut in villa eas carius vendant ad regratatores, quam facerent hii qui eas aſportabant, ſi *ad villam* vel in mercatum veniſſent. Quando quarterium ordei venditur pro duobus ſolidis, tunc quatuor lagene cerviſie vendantur ad denarium; Quando pro duobus ſolidis ſex denariis, tunc ſeptem lagene pro duobus denariis; Quando pro tribus ſolidis, tunc tres lagene ad denarium; Quando pro tribus ſolidis & ſex denariis, tunc quinque lagene ad duos denarios; Quando pro quatuor ſolidis, tunc due lagene ad denarium; & ſic deinceps creſcetur vel diminuetur per ſex denarios.

'the third; and how a Quarter of Barley and Oats; after, how the Bakers Bread in the Court doth agree, that is to wit, Waſtel and other Bread after Wheat of the beſt, or of the ſecond, or of the third Price. Alſo upon how much Increaſe or Decreaſe in the Price of a Quarter of Wheat a Baker ought to change the Aſſiſe and Weight of his Bread. Alſo how much the Waſtel of a Farthing ought to weigh, and all other manner of Bread, after the Price of a Quarter of Wheat that they preſent. And for default in the Weight of the Bread, a Baker ought to be amerced, or to be judged unto the Pillory, according to the Law and Cuſtom of the Court. Alſo if any Steward or Bailiff, for any Bribe, doth releaſe Puniſhment of the Pillory and Tumbrel, being already judged, or to be judged of right. Releaſing of Puniſhment if deſerved.

'II. Alſo if they have in the Town a Pillory of convenient Strength, as appertaineth to the Liberty of their Market, which they may uſe (if need be) without bodily Peril either of Man or Woman. A Pillory.

After, they ſhall inquire of the Aſſiſe and Price of Wine, after the Departure of the Juſtices in Eyre, or of them that were laſt in Office of the Market of the Town; that is to ſay, of the Vintners Names, and how they ſell a Gallon of Wine; and if any corrupted Wine be in the Town, or ſuch as is not wholeſome for Man's Body. Alſo of the Aſſiſe of Ale in the Court of the Town how it is, and whether it be obſerved; and if not, how much Brewers have ſold contrary to the Aſſiſe; and they ſhall preſent their Names diſtinctly and openly, and that they be amerced for every Default, or be judged to the Tumbrel, if they ſell contrary to the Aſſiſe. The Aſſiſe and Price of Wine. The Aſſiſe of Ale.

'III. Alſo if there be any that ſell by one Meaſure, and buy by another. Alſo if any do uſe falſe Ells, Weights or Meaſures. And if any Butcher do ſell contagious Fleſh, or that died of the Murren. Alſo they ſhall inquire of Cooks that ſeethe Fleſh or Fiſh with Bread or Water, or any otherwiſe, that is not wholſome for Man's Body, or after that they have kept it ſo long that it loſeth its natural Wholſomeneſs, and then ſeethe it again, and ſell it; or if any do buy Fleſh of Jews, and then ſell it to Chriſtians. And alſo Foreſtallers, that buy any thing afore the due and accuſtomed Hour, againſt the good State and Weal of the Town and Market, or that paſs out of the Town to meet ſuch things as come to the Market, and buy them out of the Town, to the intent that they may ſell the ſame in the Town more dear unto Regrators, * *that utter it more dear* than they would that brought it, in caſe they had come to the Town or Market. When a Quarter of Barley is ſold for two Shillings, then four Quarts of Ale ſhall be ſold for a Peny; when for two Shillings ſix Pence, then ſeven Quarts of Ale ſhall be ſold for two Pence; when for three Shillings, then three Quarts for one Peny; when for three Shillings ſix Pence, then five Quarts for two Pence; when it is ſold for four Shillings, then two Quarts at one Peny. And ſo from henceforth the Prices ſhall increaſe and decreaſe after the rate of ſix Pence.' Falſe Weights or Meaſures. Butchers. Cooks. Foreſtallers. * *Not in the Original.* Ale ſhall be ſold according to the Price of Barley.

STATUTUM

STATUTUM de MARLEBERGE.

Statutes made at Marlborough, *alias* Marleberge, 18 *Novemb.* Anno 52 HEN. III. *and* Anno Dom. 1267.

" IN the Year of Grace, One thouſand two hundred ſixty ſeven, the two and fiftieth Year of the Reign of King HENRY, Son of King JOHN, in the *Utas* of *St. Martin*, the ſaid King our Lord providing for the better Eſtate of his Realm of *England*, and for the more ſpeedy Miniſtration of Juſtice, as belongeth to the Office of a King, the more diſcreet Men of the Realm being called together, as well of the higher as of the lower Eſtate: It was provided, agreed, and ordained, that whereas the Realm of *England* of late had been diſquieted with manifold Troubles and Diſſenſions; for Reformation whereof Statutes and Laws be right neceſſary, whereby the Peace and Tranquillity of the People may be preſerved: Wherein the King, intending to deviſe convenient Remedy, hath made theſe Acts, Ordinances, and Statutes underwritten, which he willeth to be obſerved for ever firmly and inviolably of all his Subjects, as well high as low."

Cotton *MS. Claudius*, D. 2.

ANNO gratie Milleſimo Ducenteſimo Sexageſimo ſeptimo, regni autem domini H. Regis, filii Regis JOHANNIS quinquageſimo ſecundo, In Octabis ſancti Martini, providente ipſo domino Rege ad regni ſui Anglie melioracionem, & exhibicionem juſticie, prout regalis officii expoſcit utilitas, pleniorem, convocatis diſcretioribus ejuſdem regni, tam majoribus quam minoribus, proviſum eſt, & ſtatutum, ac concordit' [*concordatum*] & ordinatum, ut cum regnum Anglie multis tribulationibus, & diſſenſionum incommodis, nuper depreſſum, in reformacione legum & jurium, quibus pax & tranquilitas incolarum conſervari indigeat, ad quod remedium ſalubre per ipſum Regem & ſuos fideles oportuit adhiberi, proviſiones, ordinationes, & ſtatuta ſubſcripta ab omnibus regni ipſius incolis, tam Majoribus quam minoribus, firmiter ac inviolabiliter temporibus perpetuis ſtatuit obſervari.

CAP. I.

The Penalty of taking a Diſtreſs wrongfully.

Mert. cap. 11. 52 Co. 13.

" WHereas at the time of a Commotion late ſtirred up within this Realm, and alſo ſithence, many great Men, and divers other, refuſing to be juſtified by the King and his Court, like as they ought and were wont in time of the King's noble Progenitors, and alſo in his time; but took great Revenges and Diſtreſſes of their Neighbours, and of other, until they had amends and Fines at their own Pleaſure; and further, ſome of them would not be juſtified by the King's Officers, nor would ſuffer them to make Delivery of ſuch Diſtreſſes as they had taken of their own Authority:" 'It is provided, agreed, and granted, that all Perſons, as well of high as of low Eſtate, ſhall receive Juſtice in the King's Court; and none from henceforth ſhall take any ſuch Revenge or Diſtreſs of his own Authority, without Award of our Court, though he have Damage or Injury, whereof he would have Amends of his Neighbour either higher or lower. And upon the foreſaid Article it is provided and granted, that if any from henceforth take ſuch Revenges of his own Authority, without Award of the King's Court (as before is ſaid) and be convict thereof, he ſhall be puniſhed by Fine, and that according to the Treſpaſs. And likewiſe if one Neighbour take a Diſtreſs of another without Award of the King's Court, whereby he hath Damage, he ſhall be puniſhed in the ſame wiſe, and that after the Quantity of the Treſpaſs. And nevertheleſs ſufficient and full Amends ſhall be made to them that have ſuſtained Loſs by ſuch Diſtreſſes.'

The Puniſhment for an unlawful Diſtreſs. 11 H. 4. 2. 17 Ed. 3. 9. 2 Inſt. 162.

See farther Inden, tit. Diſtreſs.

CUM autem tempore turbationis nuper in regno [*noſtro*] ſuborte, & deinceps, multi Magnates & alii juſticiam non dignati [*dedignati*] fuerint recipere per dominum Regem & Curiam ſuam, prout debuerunt & conſueverunt temporibus predeceſſorum ipſius domini Regis, & eciam tempore ſuo; ſed de vicinis ſuis & aliis per ſeipſos graves ultiones fecerunt, & diſtrictiones, quouſque redempciones receperint ad voluntatem ſuam. Et preterea quidam eorum ſe per Miniſtros domini Regis juſticiari non permittunt, nec ſuſtineant quod per ipſos liberentur diſtrictiones, quas auctoritate propria fecerint ad voluntatem ſuam: Proviſum eſt, & [a] concorditer conceſſum, quod tam majores, quam minores, juſticiam habeant & recipiant in Curia domini Regis; Et nullus de cetero ultiones aut diſtrictiones faciat per [*propriam*] voluntatem ſuam, abſque conſideracione Curie domini Regis, [*et*] ſi forte dampnum vel injuria ſibi fiat, unde emendas habere voluerit de vicino ſuo, ſive majore vel minore. Super autem articulo ſupradicto proviſum eſt & conceſſum, ut ſi quis de cetero ultionem hujuſmodi capiat per voluntatem ſuam propriam abſque conſideracione Curie domini Regis, ut predictum eſt, & inde convincatur, puniatur per redempcionem, & hoc ſecundum quantitatem delicti. Et ſimiliter ſi ſuper vicinum ſuum faciat diſtriccionem ſine conſideracione Curie domini Regis, per quod dampnum habeat, puniantur eodem modo, & hoc ſecundum quantitatem delicti. Et nichilominus fiant emende plene & ſufficienter [*ſufficientes*] eiſdem qui dampnum ſuſtinuerunt per hujuſmodi diſtricciones.

[a] Concordatum ordinatum & *in marg.*

CAP.

CAP. II.

None but Suitors ſhall be diſtrained to come to a Court.

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NUllus inſuper major vel minor diſtringat aliquem ad veniendum ad Curiam ſuam, qui non ſit de feodo ſuo, aut ſuper ipſum non habeat juriſdiccionem per Hundredum vel [*per*] Ballivam ſuam; nec diſtricciones faciat extra feodum ſuum, ſeu locum, ubi ballivam habeat, vel juriſdiccionem; & qui contra hoc ſtatutum venerit, puniatur eodem modo, & hoc ſecundum delicti quantitatem.

'MOreover, none (of what Eſtate ſoever he be) ſhall diſtrain any to come to his Court, which is not of his Fee, or upon whom he hath no Juriſdiction, by Reaſon of Hundred, or Bailiwick; nor ſhall take Diſtreſſes out of the Fee or Place where he hath Bailiwick or Juriſdiction; And he that offendeth againſt this Statute ſhall be puniſhed in like manner, and that according to the Quantity and Quality of the Treſpaſs.'

Fitz. Barre, 281. 2 Inſt. 104.
Enforced by 3 Ed. 1. c. 16.

CAP. III.

A Lord ſhall not pay a Fine for diſtraining his Tenant.

SI quis autem major vel minor permittere noluerit liberari per miniſtros domini Regis, & ſecundum legem & conſuetudinem regni, diſtricciones quas fecerit; aut etiam ſuſtinere noluerit ſummoniciones & attachiamenta, ſeu executiones judiciorum Curie domini Regis fieri, puniatur modo predicto, tanquam ſe juſticiari non permittens. Quod ſi quis major vel minor diſtricciones faciat ſuper tenentem ſuum pro ſervitiis & conſuetudinibus, que ſibi deberi dicat, vel pro re altera, unde ad dominum feodi pertineat facere diſtricciones, & poſtea convincatur, quod tenens ejus ea ſibi non debeat; non ideo puniatur dominus per redemptionem, ut in ſupradictis caſibus, ſi permittat diſtricciones liberari ſecundum legem & conſuetudinem regni; ſed amercietur velut hactenus conſuetum eſt, & tenens dampna ſua recuperet verſus eum.

'IF any, of what Eſtate ſoever he be, will not ſuffer ſuch Diſtreſs as he hath taken, to be delivered by the King's Officers, after the Law and Cuſtom of the Realm, or will not ſuffer Summons, Attachments, or Executions of Judgments given in the King's Court, to be done according to the Law and Cuſtom of the Realm, as is aforeſaid, he ſhall be puniſhed in manner aforeſaid, as one that will not obey the Law, ‡ *and that according to the Quantity of the Offence.* And if any, of what Eſtate ſoever he be, diſtrain his Tenant for Services and Cuſtoms which he alledges to be due unto him, or for any other Thing, for the which the Lord of the Fee hath Cauſe to diſtrain, and after it is found that the ſame Services are not due, the Lord ſhall not therefore be puniſhed by Fine, as in the Caſes aforeſaid, if he do ſuffer the Diſtreſſes to be delivered according to the Law and Cuſtom of the Realm; but ſhall be amerced as hitherto hath been uſed, and the Tenant ſhall recover his Damages againſt him.'

The Puniſhment for unlawful Diſtreſs. *Enforced by* 3 Ed. 1. c. 17. *which provides a Remedy if the Diſtreſs be impounded in a Caſtle, &c.*

‡ *The Words in Italicks not in the Original.*

The Lord diſtraining his Tenant ſhall not pay a Fine. Bro. Treſpaſs, 16, 384. 5 H. 7. c. 9. 2 Inſt. 105.

CAP. IV.

A Diſtreſs ſhall not be driven out of the County. And it ſhall be reaſonable.

NUllus de cetero faciat ducere diſtricciones, quas fecerat, extra Comitatum in quo fuerit; Et ſi vicinus hoc fecerit ſuper vicinum ſuum, & per voluntatem ſuam, & ſine judicio, puniatur per redemptionem, ut ſupra, veluti de re contra pacem. Verumptamen ſi dominus hoc ſuper tenentem ſuum fecerit caſtigetur per gravem miſericordiam. Diſtricciones inſuper ſint rationabiles, & non nimis graves. Et qui diſtricciones fecerint irrationabiles, & indebitas, graviter amercientur propter exceſſum diſtriccionum ipſarum.

'NOne from henceforth ſhall cauſe any Diſtreſs that he hath taken, to be driven out of the County where it was taken; and if one Neighbour do ſo to another of his own Authority, and without Judgment, he ſhall make Fine (as above is ſaid) as for a Thing done againſt the Peace: Nevertheleſs, if the Lord preſume ſo to do againſt his Tenant, he ſhall be grievouſly puniſhed by Amerciament. Moreover, Diſtreſſes ſhall be reaſonable, and not too great. And he that taketh great and unreaſonable Diſtreſſes, ſhall be grievouſly amerced for the Exceſs of ſuch Diſtreſſes.'

Fitz. Bar. 120, 257. 29 Ed. 3. c. 23. Kel. 50. *Enforced by* 3 Ed. 1. c. 16. *Enforced and amended by* 1 & 2 P. & M. c. 12.

Diſtreſſes ſhall be reaſonable. *Enforced by* 28 Ed. 1. ſtat. 3. c. 12. 2 Inſt. 106.

CAP. V.

A Confirmation of the Great Charter, and the Charter of the Foreſt.

MAgna Carta in ſingulis ſuis articulis teneatur, tam in hiis que ad Regem pertinent, quam ad alios; & hoc coram Juſticiariis itinerantibus, in ſuis itineribus & vicecomitibus in Comitat' ſuis, cum opus fuerit, demandetur, & brevia verſus eos, qui contravenerint, gratis concedantur coram Re-

'THE Great Charter ſhall be obſerved in all his Articles, as well in ſuch as pertain to the King as to other; and that ſhall be enquired afore the Juſtices in Eyre in their Circuits, and afore the Sheriffs in their Counties, when need ſhall be. And Writs ſhall be freely granted againſt them that do offend,

15 E. 4. 13.

Cotton *MS.*

‘ offend, before the King, or the Juſtices of the Bench, or before Juſtices in Eyre, when they come into thoſe Parts. Likewiſe the Charter of the Foreſt ſhall be obſerved in all his Articles, and the Offenders, when they be convict, ſhall be grievouſly puniſhed by our Sovereign Lord the King in Form above mentioned.’

ge, vel coram Juſticiariis de Banco, vel coram Juſticiariis itinerantibus, cum in partes illas venerint.

2 Inſt. 108.

CAP. VI.

A fraudulent Conveyance to defeat a Lord of his Wardſhip, ſhall be void.

Feoffments to defraud Lords of their Wardſhips. *Enforced by* 34 & 35 H. 8. c. 5, *which provides a Remedy to avoid ſuch fraudulent Conveyances.* 1 Roll 91. 2 Roll 106, 134. Godbolt 78. pl. 92. Fitz. Gard. 79, 102, 155. 6 Co. 76. Dyer 9. 27 H. 8. 7. Fitz. Gard. 33. Fitz. Colluſion, 12, 14, 29, 36, 47. 2 Inſt. 109. 11 Co. 77. Fitz. Gard. 119. Fitz. Brief, 779. 19 H. 6. f. 30. Ejectione cuſtodiæ, Co. Ent. 183.

‘ AS touching them that uſe to infeoff their eldeſt Sons and Heirs, being within Age, of their Heritage, for to defraud the Lords of the Fee of their Wardſhips, it is provided, accorded, and agreed, that by occaſion of any ſuch Feoffment no chief Lord ſhall leeſe his Ward. Moreover, touching them that fain falſe Feoffments of their Lands, which they will leaſe for Term of Years, for to defraud the chief Lords of their Wards, wherein it is contained, that they are ſatisfied of the whole Service due unto them until a certain Term; ſo that ſuch Feoffees are bound at the ſaid Term to pay a certain Sum to the Value of the ſame Lands, or far above; ſo that after ſuch Term the Land ſhall return unto them, or to their Heirs, becauſe no Man will be content to hold it upon the Price; it is provided and agreed, that by ſuch Fraud no chief Lord ſhall leeſe his Ward. Nevertheleſs, it ſhall not be lawful to them to diſſeiſe ſuch Feoffees without Judgment, but they ſhall have a Writ for to have ſuch a Ward reſtored unto them; and by the Witneſſes contained in the Deed of Feoffment, with other free and lawful Men of the Country, and by the Value of the Land, and by the Quantity of the Sum payable after the Term, it ſhall be tryed whether ſuch Feoffments were made *bona fide*, or by Colluſion, to defraud the Chief Lords of the Fee of their Wards. And if the chief Lords in ſuch Caſes recover their Wards by Judgment, the Feoffees ſhall nevertheleſs have their Action to recover ſuch Term or Fee, which they had therein, when the Heirs come to their lawful Age.

DE hiis autem, qui primogenitos [filios ſuos,] & heredes ſuos infra etatem exiſtentes, feoffare ſolent de hereditate ſua, ut per hoc amitterent domini feodorum cuſtodias ſuas; proviſum eſt, & concorditer conceſſum, quod occaſione hujuſmodi falſi feoffamenti nullus Capitalis dominus amittat cuſtodiam ſuam. De hiis inſuper, qui de terris ſuis, quas tradere voluerint ad terminum annorum, ut domini feodorum amittant cuſtodias ſuas, falſa confingunt feoffamenta, continentia quod eis ſatisfactum eſt de ſumma ſervicii in illis contenti uſque ad terminum aliquem; ita quod poſt terminum ſolvere teneantur hujuſmodi feoffati ſummam aliquam, valorem terrarum illarum in multo excedentum, ut ſic poſt terminum illum terra eorum revertatur ad ipſos, eo quod nemo eas pro tanto tenere curaret: proviſum eſt, & concorditer conceſſum, ut per hujuſmodi fraudem nullus Capitalis dominus amittat cuſtodiam ſuam. Verumptamen non licebit eis hujuſmodi feoffatos ſine judicio diſſeiſire; ſet breve habeant de hujuſmodi cuſtodia ſibi reddenda, & per teſtes in cartis in hujuſmodi feoffamentis contentos una cum aliis liberis & legalibus de patria, & per quantitatem & valorem tenement', & per quantitatem ſumme que inde reddi debet poſt terminum predictum, attingatur utrum hujuſmodi feoffamenta bona fide facta ſint, aut in fraudem ad auferendum Capitalibus dominis feodi cuſtodiam ſuam. Si vero Capitales domini per judicium Curie recuperent in hujuſmodi caſibus cuſtodiam ſuam, ſalva ſit nichilominus hujuſmodi feoffatis actio ſua, quam ad terminum, ſeu ad feodum recuperandum inde habuerint, cum heredes ad legitimam etatem pervenerint.

A Lord impleading a Feoffee wrongfully. Regiſt. 161. *Confirmed and amended by* 4 H. 7. c. 17. *and rendered obſ. by* 12 *Car.* 2. *c.* 24.

‘ And if any chief Lords do maliciouſly implead ſuch Feoffees, faining this Caſe, namely, where the Feoffments were made lawful, and in good faith, then the Feoffees ſhall have their Damages awarded, and their Coſts which they have ſuſtained by occaſion of the foreſaid Plea, and the Plaintiffs ſhall be grievouſly puniſhed by Amerciament.’

Quod ſi aliqui Capitales domini feoffatos aliquos malitioſe implacitaverint, fingentes caſum iſtum, maxime ubi feoffamenta legitime & bona fide facta fuerint, tunc adjudicentur feoffatis dampna ſua, & miſe ſue quas fecerint occaſione placiti predicti, & ipſi actores per miſericordiam puniantur.

CAP. VII.

Proceſs in a *Communi Cuſtodia*. Ward by reaſon of Ward.

Enforced by 13 Ed. 1. ſtat. 1. c. 35. *which gives Remedy for Raviſhment of Ward.*

‘ IN a Plea of *Communi Cuſtodia*, if the Deforceors come not at the great Diſtreſs, then the ſaid Writ ſhall be renewed twice or thrice, at ſuch Terms as it may be done within the half Year following, ſo that every time the Writ ſhall be read in the open County where the Deforceor heretofore reſided, and there openly be proclaimed, that he may come at the Day limited: ſo that if he be abſent himſelf then, and come not to anſwer within the ſaid half Year, nor the Sheriff cannot get his Body, to have it be-

IN placito communi de cuſtodiis, ſi ad magnam diſtriccionem non venerint deforciatores, tunc bis vel ter iteretur breve predictum ad terminos quibus fieri poterit, infra medietatem anni ſequentis, Ita quod ſingulis vicibus legatur breve in pleno Comitatu, ubi prius inventus fuerit deforciator: & ibi publice denuncietur, ut veniat ad diem ſibi prefixum: quod ſi ſe ſubtraxerit, ita tamen quod infra medietatem anni reſponſurus non venerit, nec vicecomes eum invenire poſſit, per quod corpus ſuum

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ſuum habere poſſit coram Juſticiariis, ad reſpondendum ſecundum legem & conſuetudinem regni, tunc, tanquam rebellis, & ſe juſticiari non permittens, amittat ſeiſinam hujuſmodi cuſtodie, Salva ſibi alias actione ſua, ſi forte jus habeat ad [*in*] eandem.

In caſibus autem, ubi cuſtodie pertinent ad cuſtodias heredum infra etatem exiſtentium, & ubi cuſtodes petunt cuſtodias que accidunt heredibus, vel tanquam pertinentes ad eorum hereditatem, non amittant hujuſmodi heredes infra etatem exiſtentes per necligenciam vel rebellionem ſuorum cuſtodum, ſicut in caſu predicto; ſed currat lex communis eodem modo quo prius conſuevit.

'fore our Juſtices to anſwer according to the Law 'and Cuſtom of the Realm, then as a rebel, and 'ſuch a one as will not be juſtified, he ſhall leeſe 'the Seiſin of his Ward; ſaving to him his Ac-'tion at another time, if he have any Right to the 'ſame.

'II. But in ſuch Caſes, where the Wardſhips belong 'to the Guardians of Wards being within Age, and 'where the Guardians demand a Wardſhip which 'belongeth to the Heir, or as appertaining to their In-'heritance, ſuch Heirs within Age ſhall not leeſe their 'Inheritance by the Negligence or Rebellion of their 'Guardians, as in the Caſe aforeſaid; but let the 'Common Law run in like manner as it hath been 'accuſtomed to do.'

Obſ. by 12 Car. 2. c. 24.

CAP. VIII.

The Puniſhment of thoſe which commit Rediſſeiſin.

ILLI vero qui pro iterata diſſeiſina capti fuerint & detenti, non deliberentur ſine ſpeciali precepto domini Regis, & hoc per finem cum domino Rege faciendum pro hujuſmodi tranſgreſſione ſua; & ſi compertum fuerit, quod Vicecomes aliter eos deliberavit, graviter propter hoc amercietur; & nichilominus illi, qui per Vicecomitem ſine precepto domini Regis ſic liberentur, pro ſua tranſgreſſione puniantur.

'THey which be taken and impriſoned for *Re-'diſſeiſin*, ſhall not be delivered without ſpecial 'Commandment of our Lord the King, and ſhall 'make Fine with our Lord the King for their Treſ-'paſs. And if it be found, that the Sheriff delivereth 'any, contrary to this Ordinance, he ſhall be griev-'ouſly amerced therefore; and nevertheleſs, they 'which are ſo delivered by the Sheriff without the 'King's Commandment, ſhall be grievouſly puniſhed 'for their Treſpaſs.'

1 H. 8. f. 1. 2 Inſt. 114. Raſt. 10. 548. V. N. B. 108. F. N. B. 188, 189.

20 H. 3. c. 3. Regiſt. 206. *Enforced and extended by* 13 Ed. 1. ſtat. 1. c. 26. *which gives double Damages.*

CAP. IX.

Who ſhall do Suit of Court. Suit of Court by Coparceners.

Contra formam feoffamenti.

DE ſectis quidem faciendis ad Curiam Magnatum, & aliorum dominorum ipſarum Curiarum, de cetero ſic obſervandum eſt, quod nullus, qui per cartam feoffatus eſt, diſtringatur de cetero ad ſectam faciendam ad Curiam domini ſui, niſi per formam carte ſue ſpecialiter teneatur ad ſectam illam faciendam; hiis autem exceptis, quorum anteceſſores, vel ipſimet, hujuſmodi ſectam facere conſueverunt ante primam transfretationem predicti domini Regis in Britanniam, a tempore cujus transfretationis elapſi ſunt triginta & novem anni & medietas unius anni, a tempore quo hujuſmodi conſtituciones fuerint conſtitute. [*Et*] ſimiliter nullus feoffatus de cetero ſine carta a tempore conqueſtus, vel aliquo alio antiquo feoffamento, diſtringatur ad hujuſmodi ſectam faciendam, niſi ipſemet vel anteceſſores ſui eam facere conſueverunt ante primam transfretationem predictam. Qui autem per cartam pro certo ſervicio, veluti pro libero ſervicio tot ſolidorum annuatim pro omni ſervicio ſolvendorum, feoffati ſunt, ad ſectam, vel ad aliud, ultra formam ſui feoffamenti, non teneantur. Et ſi hereditas aliqua, de qua tantum unica ſecta debeatur, ad plures heredes, participes ejuſdem hereditatis, devolvatur; ille qui habet eineciam [*exneciam*] hereditatis illius, unicam faciat ſectam pro ſe & participibus ſuis, & alii participes ſui pro portione ſua contribuant ad ſectam illam faciendam. Si plures feoffati fuerint de hereditate aliqua, de qua unica ſecta debeatur, dominus illius feodi unicam ſectam inde habeat, nec

'FOR doing Suits unto Courts of great Lords, or 'of meaner Perſons, from henceforth this Order 'ſhall be obſerved, That none that is infeoffed by 'Deed, from henceforth ſhall be diſtrained to do ſuch 'Suit to the Court of his Lord, without he be ſpe-'cially bound thereto by the Form of his Deed: 'Theſe only except, whoſe Anceſtors, or they them-'ſelves, have uſed to do ſuch Suit before the firſt Voy-'age of the ſaid King HENRY into *Britain*, ſithence 'which nine and thirty Years and an half are paſ-'ſed, unto the time that theſe Statutes were enacted. 'Likewiſe from henceforth none that is infeoffed 'without Deed, from the time of the Conqueſt, or 'any other ancient Feoffment, ſhall be diſtrained to 'do ſuch Suits, unleſs that he or his Anceſtors uſed to 'do it before the ſaid Voyage. And they that are 'infeoffed by Deed to do a certain Service, as, for 'Service of ſo many Shillings by Year, to be acquit-'ted of all Service from henceforth ſhall not be 'bounden to ſuch Suits, or other like, contrary unto 'the Form of their Feoffment. And if any Inheri-'tance, whereof but one Suit is due, deſcend unto 'many Heirs, as unto Parceners, whoſo hath the 'eldeſt Part of the Inheritance, ſhall do that one Suit 'for himſelf and his Fellows, and the other Coheirs 'ſhall be Contributaries, according to their Portion, 'for doing ſuch Suit. And if many Feoffees be ſeiſ-'ed of an Inheritance, whereof but one Suit is due, 'the Lord of the Fee ſhall have but that one Suit; 'and ſhall not exact of the ſaid Inheritance, but that 'one Suit, as hath been uſed to be done before,

2 Inſt. 115.

Who ſhall do Suit of Court.

6 Co. 1. Suit of Court by Coparceners.

Stat. Hiberniæ, 14 H. 3 par. 7. Partition 1.

A Lord diſtraining his Tenant for Suit not due.

Fitz. Avowry, 15, 42, 48, 51, 60, 66, 68, 89, 99.

'And if thoſe Feoffees have no Warrant or Mean 'which ought to acquit them, then all the Feoffees, 'according to their Portion, ſhall be Contributaries 'for doing the Suit for them. And if it chance that 'the Lords of the Fee do diſtrain their Tenants for 'ſuch Suits, contrary to this Act, then, at the Com-'plaint of the Tenants, the Lords ſhall be attached 'to appear in the King's Court at a ſhort Day, to 'make anſwer thereto, and ſhall have but one Eſ-'ſoin therein, if they be within the Realm; and 'immediately the Beaſts, or other Diſtreſſes taken by 'this Occaſion, ſhall be delivered to the Plaintiff, 'and ſo ſhall remain, until the Plea betwixt them be 'determined. And if the Lords of the Courts which 'took Diſtreſſes, come not at the Day that they were 'attached, or do not keep the Day given to them by 'Eſſoin, then the Sheriff ſhall be commanded to cauſe 'them to come at another Day; at which Day, if 'they come not, then he ſhall be commanded to diſ-'train them by all their Goods and Chattels that they 'have in the Shire, ſo that the Sheriff ſhall anſwer to 'the King of the Iſſues of the ſaid Inheritance; and 'that he have their Bodies before our Juſtices at a 'certain Day limited. So that if they come not at that 'Day, the Party Plaintiff ſhall go without Day, and 'his Beaſts, or other Diſtreſſes taken by that Colour, 'ſhall remain delivered, until the ſame Lords have re-'covered the ſame Suit by Award of the King's Court; 'and in the mean time ſuch Diſtreſſes ſhall ceaſe, ſav-'ing to the Lords of the Court their Right to recover 'thoſe Suits in Form of Law, when they will ſue 'therefore. And when the Lords of the Courts 'come in to anſwer the Plaintiffs of ſuch Treſpaſſes, 'and be convict thereupon; then, by Award of the 'King's Court, the Plaintiffs ſhall recover againſt 'them the Damages that they have ſuſtained by occa-'ſion of the ſaid Diſtreſs.

Tenants withholding from their Lords their due Suits. Fitz. Avowry, 86, 92.

'II. Likewiſe if the Tenants, after this Act, with-'draw from their Lord ſuch Suits as they were wont 'to do, and which they did before the time of the ſaid 'Voyage, and hitherto uſed to do; then, by like 'Speedineſs of Juſtice, as be to limiting of Days, and 'awarding of Diſtreſſes, the Lords of the Court ſhall 'obtain Juſtice to recover their Suits, with their Da-'mages, in like manner as the Tenants ſhould reco-'ver theirs: And this recovering of Damages muſt 'be underſtood of withdrawing from themſelves, 'and not of withdrawing from their Anceſtors. Ne-'vertheleſs, the Lords of the Court ſhall not re-'cover Seiſin of ſuch Suits againſt their Tenants by 'Default, as they were wont to do. And touching 'Suits withdrawn before the time aforementioned, 'let the Common Law run as it was wont before 'time.'

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poſſit de hereditate illa niſi unicam ſectam exiggere, ſicut prius fieri conſuevit. Et ſi feoffati illi Warrantum vel medium non habeant, qui eos acquietare debeat, omnes feoffati contribuant pro porcione ſua ad ſectam illam faciendam. Si autem contingat, quod domini Cur' tenentes ſuos contra hanc conſtitutionem pro hujuſmodi ſecta diſtringant, tunc ad querimoniam tenentium illorum attachientur, quod ad Curiam domini Regis veniant ad brevem diem, inde reſponſuri, & unicum habeant eſſonium, ſi fuerint in regno; & incontinenti [d] deliberentur conquerenti averia ſua, ſive alie diſtricciones hac occaſione facte, & deliberate remaneant, donec placitum inde inter eos terminetur. Et ſi domini Curiarum, qui hujuſmodi diſtricciones fecerint, ad diem, ad quem attachiati fuerint, non venerint vel diem per eſſonium ſuum ſibi datum non obſervaverint, tunc mandetur Vicecomiti, quod eos ad alium diem venire faciat, ad quem diem ſi non venerint, mandetur Vicecomiti, quod diſtringantur per omnia que habent in baliva ſua, ita quod Vicecomes reſpondeat domino Regi de exitibus, & quod habeat corpora eorum ad certum diem prefigendum: ita quod ſi ad illum diem non venerint, eat pars conquerens inde ſine die, & averia ſua ſive diſtricciones alie deliberate remaneant, donec ſectam illam domini recuperaverint per conſideracionem Curie domini Regis; & ceſſent interim diſtricciones hujuſmodi, ſalvo dominis Curiarum jure ſuo de ſectis illis perquirendis in forma juris, cum inde loqui voluerint: & cum domini Curiarum venerint reſponſuri conquerentibus de hujuſmodi tranſgreſſionibus, ſi ſuper hoc convincantur, tunc per conſiderationem Curie domini Regis recuperent verſus [*eos*] conquerentes dampna ſua, que ſuſtinuerunt occaſione diſtriccionis predicte.

Simili modo ſi tenentes poſt hanc conſtitucionem ſubtrahant dominis feodi ſectas, quas facere debeant, & quas ante tempus predicte transfretacionis & hactenus facere conſueverunt, tunc per eandem juſtitiam & celeritatem, quoad dies prefigendos, & diſtricciones admittendas, conſequantur domini Cur' juſticiam de ſectis illis, una cum dampnis ſuis, quemadmodum tenentes dampna ſua recuperant; & hoc ſcilicet de dampnis recuperandis intelligatur de ſubtraccionibus ſibi factis, & non de ſubtraccionibus factis predeceſſoribus ſuis. Verumptamen domini Curiarum ſeiſinam de hujuſmodi ſectis recuperare non poterunt per defaltam, ſicut hactenus fieri conſuevit. De ſectis autem, que ante tempus ſupradictum ſubtracte fuerunt, currat lex communis ſicut prius conſuevit.

CAP. X.

Certain Perſons exempt from Appearance at Sheriffs Turns.

'FOR the Turns of Sheriffs, it is provided, That 'Archbiſhops, Biſhops, Abbots, Priors, Earls, 'Barons, nor any Religious Men or Women, ſhall 'not need to come thither, except their Appearance 'be eſpecially required thereat for ſome other Cauſe; 'but the Turn ſhall be kept as it hath been uſed 'in the Times of the King's noble Progenitors. And

DE turnis Vicecomitum proviſum eſt, ut neceſſe non habeant ibi venire Archiepiſcopi, Epiſcopi, Abbates, Priores, Comites, Barones, nec aliqui viri religioſi, nec mulieres, niſi eorum preſentia ob aliquam cauſam ſpecialiter exigatur; ſet teneatur turnus ſicut temporibus predeceſſorum domini Regis teneri conſuevit. Et ſi qui in Hun-

[d] Incontinenter *in Marg.*

dredis

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dredis diverſis habeant tenementa [*ſua,*] non habeant neceſſe venire ad hujuſmodi turnos, niſi in ballivis ubi fuerint converſantes, & teneantur turni ſecundum formam magne carte Regis, & ſicut temporibus Regis RICHARDI & JOHANNIS teneri conſueverunt.

'and if any have Tenements in different Hundreds, they ſhall not be bound to appear at any ſuch Turns, but in the Bailiwicks where they be dwelling. And the Turns ſhall be kept after the Form of the Great Charter, and as they were uſed in the times of King RICHARD and King JOHN.'

Regiſt. 174, 175. 2 Inſt. 120.

CAP. XI.

No Fines ſhall be taken for *Beaupleader*.

PRoviſum eſt eciam, quod nec in itinere Juſticiar', nec in Comitatibus, Hundredis, nec in Curia Baronum, de cetero capiantur fines ab aliquibus pro pulcre placitando, nec per ſic quod non occaſionentur.

Et ſciendum, quod per iſtam conſtitutionem non tolluntur fines certi, ſeu preſentationes [*preſtationes*] arentate a tempore quo dominus Rex primo tranſfretavit in Britanniam uſque nunc.

'IT is provided alſo, That from henceforth neither in the Circuit of Juſticers, nor in Counties, Hundreds, and Court Barons, any Fines ſhall be taken of any Man for Fair-Pleading, nor ſo that any Occaſion ſhall be.

'II. And it is to be known, that by this Act Fines certain, or Loans aſſeſſed ſince the time that our Lord the King firſt paſſed into *Britain*, are not taken away.'

Enforced by 3 *Ed.* 1. *c.* 8. & 1 Ed. 3. ſtat. 2. c. 8. Regiſt. 179. 2 Inſt. 122.

CAP. XII.

Days given in Dower, Aſſiſe of *Darraine Preſentment*, and *Quare impedit*.

IN placito vero dotis [*de dote*] quod vocatur unde nichil habet, dentur de cetero quatuor dies per annum ad minus, & plures ſi commode fieri poſſit, ita quod habeant quinque vel ſex per annum ad minus. In aſſiſis autem ultime preſentacionis, & in placito quare impedit de eccleſiis vacantibus, dentur dies de quindena in quindenam, vel de tribus ſeptimanis in tres ſeptimanas, prout locus propinquus fuerit, vel remotus. In placito vero quare impedit, ſi ad primum diem, ad quem ſummonitus fuerit, non venerit nec eſſonium miſerit impeditor, attachietur ad alium diem, quo die ſi non venerit, nec eſſon' miſerit, diſtringatur per magnum diſtriccionem ſuperius dictam; & ſi tunc non venerit, per ejus defaltam ſcribatur Epiſcopo loci, quod reclamatio impeditoris illa vice conquerenti non obſiſtat, ſalvo impeditori alias jure ſuo, cum inde loqui voluerit. Eadem lex de attachiamentis faciendis de omnibus brevibus, ubi attachiamenta jacent, quoad diſtricciones faciendas firmiter obſervetur; Ita tamen, quod ſecundum attachiamentum fiat per meliores plegios, & poſtmodum ultima diſtriccio.

'IN a Plea of Dower, that is called *Unde nihil habet*, from henceforth four Days ſhall be given in the Year at the leaſt, and more if conveniently it may be, ſo that they ſhall have five or ſix Days at the leaſt in the Year. In Aſſiſes of *Darraine Preſentment*, and in a Plea of *Quare impedit*, of Churches vacant, Days ſhall be given from fifteen to fifteen, or from three Weeks to three Weeks, as the Place ſhall hap to be near, or far. And in a Plea of *Quare impedit*, if the Diſturber come not at the firſt Day that he is ſummoned, nor caſt no Eſſoin, then he ſhall be attached at another Day; at which Day if he come not, nor caſt no Eſſoin, he ſhall be diſtrained by the great Diſtreſs above given; And if he come not then, by his Default a Writ ſhall go to the Biſhop of the ſame Place, that the Claim of the Diſturber for that time ſhall not be prejudicial to the Plaintiff; ſaving to the Diſturber his Right at another time, when he will ſue therefore. The ſame Law, as to the making of Attachments, ſhall from henceforth be obſerved in all Writs where Attachments lie, as in making Diſtreſſes, ſo that the ſecond Attachment ſhall be made by better Pledges, and afterwards the laſt Diſtreſs.'

32 H. 8. c. 21.

Proceſs in Quare impedit.

Fitz. Jour. 18, 19, 32. 11 H. 6. 4. 33 H. 6. 1. Fitz. Brief al Eveſque, 14, 21, 22, 27. 2 Inſt. 123. *Altered by* 32 H. 8. c. 21. 16 *Car.* 1. *c.* 6. § 13. 24 *Geo.* 2. *c.* 48. § 4. *in Dower after Iſſue joined there ſhall not be above* 15 *Days between the Teſte and the Return of the Venire, &c.*

CAP. XIII.

After Iſſue joined there ſhall be but one Eſſoin, or one Default.

ET ſciendum, quod poſtquam aliquis poſuerit ſe in inquiſicionem aliquam, que emiſerit, vel emergere poſſit in hujuſmodi brevibus, non habeat niſi unicum eſſonium, & [*vel*] unicam defaltam; ita ſcilicet, quod ſi ad diem ſibi datum per eſſonium ſuum non venerit, aut ſi ſecundo die defaltam fecerit, tunc inquiſicio illa per defaltam ipſius capiatur, & *tunc* ſecundum inquiſicionem *per defaltam ipſius* ad judicium procedatur. Et ſi inquiſicio illa capta fuerit in Comitatu per Vicecomitem, vel per Coronatorem, ad Juſticiarios domini Regis ad certum diem remittend. & ſi pars rea non venerit ad

'AND it is to be known, after that a Man hath put himſelf upon any Enqueſt, the which hath or muſt paſs in ſuch manner of Writs, he ſhall have but one Eſſoin, or one Default; ſo that if he come not at the Day given to him by the Eſſoin, or make Default the ſecond Day, then the Enqueſt ſhall be taken by his Default, and according to the ſame Enqueſt they ſhall proceed to Judgment. And if ſuch Enqueſt be taken in the County, before the Sheriff or Coroners, it ſhall be returned unto the King's Juſtices at a certain Day; and if the Party Defendant come not at that Day, then, upon his

Fitz. Eſſoin, 21, 33, 34, 38, 100, 130, 159. 2 Inſt. 120. Godbolt 236. pl. 327. Salk. 216.

'Default, another Day ſhall be aſſigned to him after 'the Diſcretion of the Juſtices; and it ſhall be com- 'manded to the Sheriff, that he cauſe him to come at 'that Day, to hear the Judgement, if he will, accord- 'ing to the Enqueſt; at which Day, if he come not, 'upon his Default they ſhall proceed to Judgement. *See farther* Index, *tit.* Eſſoin. 'In like manner it ſhall be done, if he come not at 'the Day given unto him by his Eſſoin.'

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illum diem, tunc per defaltam ipſius aſſignetur ei alius dies ſecundum diſcrecionem Juſticiariorum; & mandetur Vicecomiti, quod ad diem illum faciat ipſum venire ad audiendum judicium ſuum, ſi velit ſecundum inquiſicionem illam; ad quem diem ſi non venerit, propter defaltam ſuam procedatur ad judicium. Eodem modo fiat, ſi non veniat ad diem ſibi datum per eſſonium ſuum.

CAP. XIV.

They which have Charters of Exemption, muſt in ſome Caſes be ſworn.

34 H. 6. 25. 18 H. 8. 5. 'CONcerning Charters of Exemption and Liber- 'ties, that the Purchaſer ſhall not be impanelled 'in Aſſiſes, Juries, and Enqueſts; it is provided, That 'if their Oaths be ſo requiſite, that without them Juſ- 'tice cannot be miniſtred, as in great Aſſiſes, Per- 'ambulations, and in Deeds or Writings of Cove- 'nants, (where they be named for Witneſſes) or in 'Attaints and in other Caſes like, they ſhall be com- 'pelled to ſwear; ſaving to them at another time their 2 Inſt. 127. 'foreſaid Liberty and Exemption.'

DE [*in*] cartis vero exemptionis & libertatis, ne ponantur impetrantes in aſſiſis, juratis, vel recognitionibus aliquibus; proviſum eſt, quod ſi adeo neceſſarium ſit eorum juramentum, quod ſine eis juſticia exhiberi non poterit [*poſſit*] veluti in magna aſſiſa, & in perambulationibus, & in cartis vel ſcriptis convencionum, ubi fuerint teſtes nominati, aut in attinctis, aut in aliis caſibus conſimilibus, jurare cogantur; ſalva ſibi alias libertate & exemptione ſua ſupradictis.

CAP. XV.

In what Places Diſtreſſes ſhall not be taken.

8 Co. 60. 7 H. 7. 1. 22 Ed. 4. 49. Fitz. Bar. 281. Fitz. Treſpaſs, 188. 'IT ſhall be lawful for no Man from henceforth, 'for any manner of Cauſe, to take Diſtreſſes out 'of his Fee, nor in the King's High-way, nor in the 'common Street, but only to the King or his Officers 'having ſpecial Authority to do the ſame.'

NUlli de cetero liceat diſtricciones facere ex quacunque cauſa extra feodum ſuum, nec in regia via, aut communi ſtatra, niſi domino Regi aut Miniſtris ſuis.

Fitz. Brief, 511, 842. Fitz. Avowry, 87, 232. 2 Inſt. 133. Raſt. 226. Regiſt. 98, 183. 9 Ed. 2. ſtat. 1. c. 9. 2 Inſt. 131. Cro. El. 710.

CAP. XVI.

The Heir's Remedy, if his Lord do keep him forth. The King's Primer Seiſin.

A Remedy for the Heir, if his chief Lord do keep or put him out of Poſſeſſion. 'IF any Heir after the Death of his Anceſtor be 'within Age, and his Lord have the Ward of his 'Lands and Tenements, if the Lord will not render 'unto the Heir his Land (when he cometh to his full 'Age) without Plea, the Heir ſhall recover his Land 'by Aſſiſe of *Mortdaunceſtor*, with the Damages that 'he hath ſuſtained by ſuch withholding, ſince the time 'that he was of full Age. And if an Heir at the time 'of his Anceſtor's Death be of full Age, and he is Heir 'apparent, and known for Heir, and be found in 'the Inheritance, the chief Lord ſhall not put him 'out, nor take, nor remove any thing there, but ſhall 'take only ſimple Seiſin therefore for the Recogni- 'tion of his Seigniory, that he may be known for 'Lord. And if the chief Lord do hold ſuch an Heir 'out of the Poſſeſſion maliciouſly, whereby he is dri- 'ven to purchaſe a Writ of *Mortdaunceſtor*, or of 'Couſenage, then he ſhall recover his Damages as in 'Aſſiſe of *Novel diſſeiſin*.

Primer Seiſin. 'II. Touching Heirs, which hold of our Lord the 'King in chief, this Order ſhall be obſerved, That our 'Lord the King ſhall have the firſt Seiſin of their 'Lands, like as he was wont to have before time: 'Neither ſhall the Heir, nor any other, intrude into 'the ſame Inheritance, before he hath received it out 'of the King's Hands, as the ſame Inheritance was 'wont to be taken out of his Hands and his Anceſtors

SI heres aliquis poſt mortem ſui anteceſſoris infra etatem extiterit, & dominus ſuus cuſtodiam terrarum ſuarum habuerit, ſi dominus ille dicto heredi, cum ad legitimam etatem pervenerit, terram ſuam ſine placito reddere noluerit, heres ille terram ſuam per aſſiſam mortis anteceſſoris ſui recuperabit, una cum dampnis que ſuſtinuerit propter detencionem illam, a tempore quo fuerit ligitime etatis. Quod ſi heres alicujus in morte anteceſſoris ſui plene etatis fuerit, & heres ille apparens, & pro herede cognitus, inventus ſit in hereditate illa, capitalis dominus eum non eiciat [*ejiciat*] nec aliquid ibi capiat nec amoveat, ſet tantum ſimplicem ſeiſinam inde faciat pro recognitione domini ſui. Et ſi Capitales domini hujuſmodi heredem extra ſeiſinam ſuam malicioſe teneant, per quod breve mortis anteceſſoris ipſum oportet impetrare [*placitare*] tunc dampna ſua recuperet ſicut in Actione nove diſſeiſine.

De hereditatibus autem que de domino Rege tenentur in capite ſic obſervandum eſt, quod dominus Rex liberam inde ſeiſinam habeat, ſicut prius fieri conſuevit; nec heres nec aliquis alius in hereditatem illam ſe intrudat, priuſquam illam de manibus domini Regis recipiat, prout hujuſmodi hereditates de manibus Anteceſſorum ſuorum recipi conſueverunt, & hoc intelligatur de terris & feodis, que

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que ratione ſervicii militaris, vel ſerjantie, ſeu jure patronatus, in manu domini Regis *eſſe* conſueverunt.

' in times paſt. And this muſt be underſtood of Lands ' and Fees, the which were accuſtomed to be in the ' King's Hands, by reaſon of Knights Service, or Ser- ' jeanty, or Right of Patronage.'

Enforced by 17 Ed. 2. ſtat. 1. c. 3. *Obſ. theſe Tenures being aboliſhed by* 12 Car. 2. c. 24.

CAP. XVII.

The Authority and Duty of Guardians in Socage.

PRoviſum eſt etiam, quod ſi terra, que tenetur in ſocagio, ſit in cuſtodia parentum heredum eo quod [*ille dum*] heres infra etatem extiterit, cuſtodes illi [*illius*] vaſtum facere non poſſunt, vel vendicionem, vel aliquam deſtruccionem de hereditate illa; ſed ſalvo eam cuſtodiant ad opus dicti heredis, Ita quod cum ad legitimam etatem pervenerit, ſibi reſpondeant de exitibus dicte hereditatis, per legitimam computationem, ſalvis ipſis cuſtodibus rationabilibus miſis ſuis. Nec etiam poſſunt dicti cuſtodes dicti heredis maritagium dare vel vendere, niſi ad commodum dicti heredis: ſet ſi parentes dicti heredis propinquiores qui hujuſmodi cuſtodias habuerint, de toto tempore illo, a quo brevia placitandi non conceduntur, hujuſmodi cuſtodias habeant ad commodum heredis, ut predictum eſt, ſine vaſto, vel exilio, vel deſtruccionibus faciendis.

' IT is provided, That if Land holden in Socage be ' in the Cuſtody of the Friends of the Heir, becauſe ' the Heir is within Age, the Guardians ſhall make ' no Waſte, nor Sale, nor any Deſtruction of the ' ſame Inheritance; but ſafely ſhall keep it to the Uſe ' of the ſaid Heir, ſo that when he cometh to his law- ' ful Age, they ſhall anſwer to him for the Iſſues of ' the ſaid Inheritance by a lawful Accompt, ſaving ' to the ſame Guardians their reaſonable Coſts. Nei- ' ther ſhall the ſaid Guardians give or ſell the Marri- ' age of ſuch an Heir, but to the Advantage of the ' foreſaid Heir; But the next Friends which had the ' Ward, for all that Time that Writs of impleading ' did not lie, ſhall have ſuch Wardſhip unto the Ad- ' vantage of the Heir, as is ſaid before, without ' Waſte, Sale, or Deſtruction making.'

Fitz. Waſt, 1, 9, 100, 107. Fitz. Preſent. 10. Fitz. Brief, 847. Fitz. Gard. 159, 166. Plowd. 293. Fitz. Accompt, 35, 59, 60, 77, 107. Co. Lit. 87. a. Co. Ent. 47. 2 Inſt. 135. Raſt. 21.

See 28 *Ed.* 1. *ſtat.* 1. *where Lands in Socage deſcend on the Part of the Mother, the Guardianſhip belongs to the next of Kin on the Part of the Father; and* 12 *Car.* 2. *c.* 24. *giving Power to the Father to diſpoſe of the Wardſhip of his Child by Will.*

CAP. XVIII.

Who only may amerce for Default of common Summons.

NUllus autem eſcaetor, vel inquiſitor, vel Juſticiarius ad aſſiſas capiendas ſpecialiter aſſignatus, vel ad querelas audiend' & determinand', de cetero poteſtatem *habeat* amerciandi aliquem pro defalta communis ſummonicionis, niſi Capitales Juſticiarii in itineribus ſuis. [*Proviſum eſt inſuper, quod nullus religioſus feoda alicujus ingrediatur ſine aſſenſu noſtro, & capitalis domini, de quo feoda illa immediate tenentur.*]

' NO Eſcheator, Commiſſioner, or Juſticer ſpe- ' cially aſſigned to take Aſſiſes, or to hear and ' determine Matters, from henceforth ſhall have Power ' to amerce for Default of common Summons, but ' the chief Juſtices, or the Juſtices in Eyre in their ' Circuits.'

2 Inſt. 136.

CAP. XIX.

None but the King ſhall hold Plea of falſe Judgement.

NUllus de cetero (excepto domino Rege) placitum teneat de falſo judicio facto in Curia tenentium ſuorum; quia hujuſmodi placita ſpecialiter ſpectant ad coronam & dignitatem domini Regis.

' NONE from henceforth (except our Lord the ' King) ſhall hold in his Court any Plea of falſe ' Judgement, given in the Court of his Tenants; for ' ſuch Plea ſpecially belongeth to the Crown and ' Dignity of our Lord the King.'

Fitz. Faux Judgment, 7, 8, 10, 14. 1 Ed. 3. ſtat. 2. c. 4. Regiſt. 15. Raſt. 342. Co. Ent. 305.

CAP. XX.

In which Courts none ſhall need to ſwear to warrant their Eſſoins.

DE Eſſon' autem proviſum eſt, quod in Comitatu, Hundredo, aut in Curia Baronum, aut aliis Curiis, nullus habeat neceſſe jurare pro eſſonio ſuo warantizando.

' TOuching Eſſoins, it is provided, That in Coun- ' ties, Hundreds, or in Courts Barons, or in ' other Courts, none ſhall need to ſwear to warrant ' his Eſſoin.'

Fitz. Eſſoin, 119. Raſt. 297. 2 Inſt. 137.

See the References to Chapter 29.

CAP. XXI.

Who may take Replevins of Diſtreſſes.

PRoviſum eſt, quod ſi averia aliqua injuſte capiantur, & detineantur, Vice comes poſt querimoniam inde ſibi factam, ea ſine impedimento vel

' IT is provided alſo, That if the Beaſts of any Man ' be taken, and wrongfully withholden, the She- ' riff, after Complaint made to him thereof, may de- ' liver

Who may make Replevin of Beaſts diſtrained, Dyer, f. 245.

Bro. Riote, 2, 3. Bro. Parliament, 108. Fitz. Retorn. de Viſcont. 17. Co. Lit. 145. b. 13 Co. 31. *Enforced and amended by* 3 Ed. 1. c. 17. Regiſt. 82, &c. 2 Inſt. 139.

‘ liver them without Let or Gainſaying of him that took the Beaſts, if they were taken out of Liberties. And if the Beaſts were taken within any Liberties, and the Bailiffs of the Liberty will not deliver them, then the Sheriff, for Default of thoſe Bailiffs, ſhall cauſe them to be delivered.’

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contradiccione ejus qui dicta averia cepit, deliberare poſſit, ſi extra libertates capta fuerint. Si infra libertates capta fuerint, & ballivi libertatis ea liberare noluerint, tunc vicecomes per defaltam eorum [*ipſorum*] ea faciat deliberari.

CAP. XXII.

None ſhall compel his Freeholder to anſwer for his Freehold.

‘ NONE from henceforth may diſtrain his Freeholders to anſwer for their Freeholds, nor for any Things touching their Freehold, * *without the King’s Writs:* Nor ſhall cauſe his Freeholders to ſwear againſt their Wills; for no Man may do that without the King’s Commandment.’

* *Not in the Original.* 2 Inſt. 142. *Enforced by* 15 R. 2. c. 12. *and by* 16 R. 2. c. 2. *which gives a Forfeiture of* 20 *l. to the King on Breach, by the compelling of Tenants, &c.*

NUllus de cetero poſſit diſtringere libere tenentes ſuos ad reſpondendum de libero tenemento ſuo, nec de aliquibus ad liberum tenementum ſuum ſpectantibus; nec jurare faciat libere tenentes ſuos contra voluntatem ſuam; deſicut hoc nullus facere poſſit ſine [*ſpeciali*] precepto domini Regis.

CAP. XXIII.

A Remedy againſt Accomptants. Fermors ſhall make no Waſte.

Fitz. Brief, 791, 806. Fitz. Proceſs, 203. Fitz. Exigent, 12. 1 Roll. 182. 2 Inſt. 143. * *Not in the Original.* Mirror, 320. 5 Co. 18. Dyer, f. 281. Fitz. Waſt, 12, 22, 30, 32, 37, 42, 43, 46, 47, 48, 53, 68, 69, 76, 78, 82, 88, 4 Co. 63. Raſt. 689. 2 Inſt. 144. *Enforced by* 6 Ed. 1. ſtat. 1. c. 5. *which gives treble Damages. See farther* 11 *H.* 6. *c.* 5. *againſt whom Waſte is maintainable.*

‘ IT is provided alſo, That if Bailiffs, which ought to make account to their Lords, do withdraw themſelves, and have no Lands nor Tenements whereby they may be diſtrained; then they ſhall be attached by their Bodies, ſo that the Sheriffs, in whoſe Bailiwick they be found, ſhall cauſe them to come to make their account.

‘ II. Alſo Fermors, during their Terms, ſhall not make Waſte, * *Sale*, nor Exile of Houſe, Woods, and Men, nor of any Thing belonging to the Tenements that they have to ferm, without ſpecial Licence had by Writing of Covenant, making mention, that they may do it; which Thing if they do, and thereof be convict, they ſhall yield full Damage, and ſhall be puniſhed by Amerciament grievouſly.’

PRoviſum eſt eciam, quod ſi Ballivi, qui dominis ſuis compotum reddere tenentur, ſe ſubtraxerint, & terras & tenementa non habuerint, per que diſtringi poſſint; tunc per eorum corpora attachientur, ita quod Vicecomes, in cujus balliva inveniantur, eos venire faciat ad compotum ſuum reddend’.

Firmarii tempore firmarum ſuarum vaſtum vel exilium non faciant de boſcis, domibus, vel hominibus, nec de aliquibus ad tenementa que habent ad firmam ſpectantibus, niſi ſpecialem inde habuerint conceſſionem, ſive convencionis mentionem, adeo quod hoc facere poſſint. Et ſi fecerint, & ſuper hoc convincantur, dampna plene refundant, & graviter per miſericordiam puniantur.

CAP. XXIV.

For what Cauſes Townſhips ought to be amerced.

Amercement of Towns in Eyre. Juſt. in Eyre. Enqueſts of the Death of Man. Fitz. Waſt, 11, 39, 53, 66, 72, 73, 101, 103, 120. 2 Inſt. 147.

‘ THE Juſtices in Eyre from henceforth ſhall not amerce Townſhips in their Circuits, becauſe all being twelve Years old came not afore the Sheriffs and Coroners, to make Inquiry of Robberies, Burnings of Houſes, or other Things pertaining to the Crown; ſo that there come ſufficient out of thoſe Towns, by whom ſuch Enqueſts may be made full: except Enqueſts for the Death of Man, whereat all being twelve Years of Age, ought to appear, unleſs they have reaſonable Cauſe of Abſence.’

JUſticiarii itinerantes de cetero non amercient villatas in itinere ſuo, eo quod ſinguli duodecim annorum non venerint coram Vicecomitibus & Coronatoribus, ad inquiſitiones de roberiis, & incendiis, & aliis ad Coronam ſpectantibus faciend’; dum tamen de villatis illis venerint ſufficientes, per quos hujuſmodi inquiſitiones plene fieri poſſint: exceptis inquiſitionibus de morte hominis faciend’, ubi omnes duodecim annorum venire debent, niſi rationabilem habeant cauſam abſentie ſue.

CAP. XXV.

What Kind of Man-ſlaughter ſhall be adjudged Murther.

Keyling, 123. Co. Ent. 354. 2 Inſt. 148. 2 Roll. 120.

‘ MUrther from henceforth ſhall not be judged before our Juſtices, where it is found Misfortune only, but it ſhall take place in ſuch as are ſlain by Felony, and not otherwiſe.’

MUrdrum de cetero non adjudicetur coram Juſticiariis, ubi infortunium [*fortunium*] tantummodo adjudicatum eſt, ſed locum habeat murdrum in interfectis per feloniam, & non aliter.

CAP.

CAP. XXVI.

What Day ſhall be given to him that is vouched to Warranty.

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PRoviſum eſt inſuper, quod nullus, qui coram Juſticiariis itinerantibus vocatur ad Warantum de placito terre vel tenement', amercietur de cetero, pro eo quod preſens non fuerit, quando vocabatur ad Warrantum (excepto primo die adventus Juſticiariorum ipſorum) ſet ſi Warrantus ille ſit infra Comitatum, tunc injungatur Vicecomiti, quod ipſum infra tercium diem, vel quartum, ſecundum locorum diſtanciam, faciat venire, ſicut in itinere Juſticiar' fieri conſuevit. Et ſi extra Comitatum maneat, tunc rationabilem habeat ſummonicionem quindecim dierum ad minus, ſecundum diſcrecionem Juſticiar', & legem communem.

'IT is provided, That none, being vouched to Warranty before our Juſtices in Eyre, in Plea of Land or Tenement, ſhall be amerced from henceforth becauſe he was not preſent when he was vouched to Warranty, except the firſt Day of the coming of the Juſtices: But if the Party vouched be within the Shire, then the Sheriff ſhall be commanded to cauſe him to come within the third or fourth Day, according to the Diſtance of the Place, as it was wont to be done in the Circuit of the Juſtices. And if he dwell without the Shire, then he ſhall have reaſonable Summons of fifteen Days at the leaſt, after the Diſcretion of the Juſtices, and the Common Law.'

CAP. XXVII.

A Clerk bailed upon a Capital Offence, refuſeth to anſwer.

SI clericus aliquis pro crimine aliquo vel recto [*retto*] quod ad Coronam pertineat, arettatus [*areſtatus*] fuerit, & poſtmodum per preceptum Regis in ballium traditus fuerit, vel replegiatus, ita quod hii, quibus traditus fuerit in ballium, eum habeant coram Juſticiariis; non amercientur illi de cetero quibus traditus fuerit in ballium, vel alii plegii ſui, ſi corpus ſuum habeant coram Juſticiariis, licet coram eis propter privilegium clericale reſpondere noluerit, vel non poſſit.

'IF a Clerk, for any Crime or Offence touching the Crown, be arreſted, and after by the King's Commandment, let to bail, or replevied, ſo that they, to whom he was let to bail, have him before our Juſtices; the Sureties from henceforth, nor they to whom he was let to bail, ſhall not be amerced (if they have his Body before our Juſtices) although he will not anſwer before them, by reaſon of a Clerk's Privilege, nor cannot * *by Reaſon of his Ordinary.*'

Bro. Coron. 111. 2 Inſt. 150. *Altered by* 28 H. 8. c. 1. *and* 32 H. 8. c. 3. *which ordain that Clergy ſhall be uſed as others be.*

* *Not in the Original.*

CAP. XXVIII.

Remedies for Succeſſors of Prelates for Wrongs done to their Predeceſſors, *&c.*

PRoviſum eſt eciam, quod ſi depredaciones vel rapine alique fiant Abbatibus, Prioribus, vel aliis prelatis eccleſiaſticis, & ipſi jus ſuum de hujuſmodi depredationibus proſequentes morte preveniantur, antequam juſticiam inde fuerint aſſecuti; ſucceſſores eorum habeant accionem ad bona eccleſie ſue de manibus hujuſmodi tranſgreſſiorum repetend'. Similem [*ſimiliter*] inſuper habeant accionem ſucceſſores de hiis, que domui & eccleſie ſue recentur [*retenta*] ante obitum predeceſſorum ſuorum [&] per hujuſmodi violenciam fuerint ſubtracta, licet predicti predeceſſores ſui jus ſuum proſecuti non fuerint in vita ſua. Si autem in terris & [*vel*] tenementis hujuſmodi religioſorum, de quibus eorum prelati obierint ſeiſiti, ut de jure eccleſie ſue, aliqui ſe intrudant tempore vacationis, eorum ſucceſſores breve habeant ad recuperand' ſeiſinam ſuam; & adjudicentur eis dampna ſua, ſicut in nova diſſeiſina adjudicari conſuevit.

'IT is provided, That if any Wrongs or Treſpaſſes be done to Abbots, or other Prelates of the Church, and they have ſued their Right for ſuch Wrongs, and be prevented with Death before Judgment given therein; their Succeſſors ſhall have Actions to demand the Goods of their Church out of the Hands of ſuch Treſpaſſers. Moreover, the Succeſſors ſhall have like Action for ſuch Things as were lately withdrawn by ſuch Violence from their Houſe and Church, before the Death of their Predeceſſors, though their ſaid Predeceſſors did not purſue their Right during their Lives. And if any intrude into the Lands or Tenements of ſuch Religious Perſons in the time of Vacation, of which Lands their Predeceſſors died ſeiſed as in the Right of their Church, the Succeſſors ſhall have a Writ to recover their Seiſin. And Damages ſhall be awarded them, as in Aſſiſe of *Novel diſſeiſin* is wont to be.'

A Remedy for Prelates for Wrongs done in the time of their Predeceſſors, or during the Vacation. Fitz. Treſpaſs, 205, 211, 237, 242. Fitz. Brief, 176, 296, 359, 613, 828. 2. H. 4. 4. 2 Inſt. 151. Regiſt. 72, 125. F. N. B. 112.

CAP. XXIX.

In what Caſe a Writ of *Entrie ſur diſſeiſin* in the *Poſt* doth lie.

PRoviſum eſt eciam, quod ſi alienationes ille, de quibus breve de ingreſſu dari conſuevit, per tot gradus fiant, quod breve illud in forma prius uſitata habere [*haberi*] non poſſit, habeat con-

'IT is provided alſo, That if thoſe Alienations (whereupon a Writ of Entry was wont to be granted) hap to be made in ſo many Degrees, that by reaſon thereof the ſame Writ cannot be made in the

Fitz. Cui in vita, 23. Fitz. Entre, 9, 11, 49, 56. Fitz. Brief, 438, 469, 693, 812.

Co. Lit. 238. b. 239. a. 2 Inſt. 153. Regiſt. 228. F. N. B. 191. D. K. 192, 201, 203. Raſt. 283.

‘ Form beforetimes uſed, the Plaintiffs ſhall have a ‘ Writ to recover their Seiſin, without making men- ‘ tion of the Degrees, into whoſe Hands ſoever the ‘ ſame ſhall happen to come by ſuch Alienations, and ‘ that by an original Writ to be provided therefore by ‘ the Council of our Lord the King.’

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querens breve de recuperanda ſeiſina, ſine mencione graduum, ad cujuſcunque manus per hujuſmodi alienaciones res illa devenerit, per brevia originalia per conſilium domini Regis providenda.

STATUTUM WEST' PRIMUM.

The Statute of WESTMINSTER, *the Firſt*,

Made at Weſtminſter 25 die Aprilis, Anno 3 EDWARDI I. *and* Anno Dom. 1275.

“ THESE be the Acts of King EDWARD, Son “ to King HENRY, made at *Weſtminſter* at his “ firſt Parliament general after his Corona- “ tion on the *Monday* of *Eaſter Utas*, the third Year of “ his Reign, by his Council, and by the Aſſent of Arch- “ biſhops, Biſhops, Abbots, Priors, Earls, Barons, “ and all the Commonalty of the Realm being thither “ ſummoned, becauſe our Lord the King had great “ Zeal and Deſire to redreſs the State of the Realm in “ ſuch Things as required Amendment, for the com- “ mon Profit of holy Church, and of the Realm: And “ becauſe the State of his Kingdom and of the holy “ Church had been evil kept, and the Prelates and re- “ ligious Perſons of the Land grieved many ways, and “ the People otherwiſe intreated than they ought to be, “ and the Peace leſs kept, and the Laws leſs uſed, and “ the Offenders leſs puniſhed than they ought to be, “ by reaſon whereof the People of the Land feared the “ leſs to offend; the King hath ordained and eſtabliſhed “ theſe Acts underwritten, which he intendeth to be “ neceſſary and profitable unto the whole Realm.”

Cotton *MS. Claudius*, D. 2.

CES ſont les eſtabliſſementz le Roi EDWARD, fitz le Roi HENRY, faitz a Weſtm' a ſon prim' parlement general apres ſon coronement, lendimaine de la Clauſe de Paſk', lan de ſon regne tierce, par ſon counſeil, & par laſſentement des Erceveſques, Eveſques, Abbes, Priours, Countes, Barons, & la comminalte de la terre illeoques ſomons, Pur ceo qe noſtre Seignur le Roi ad graunt volunte & deſir de leſtate de ſon roialme adreſcer en les choſes, où miſter eſt de amendement, & ce pur le commune profit de ſeinte egliſe, & del roialme; & pur ce qe leſtat de ſon roialme & de ſeinte egliſe ad eſte malmenez [*malmeſne*] & les Prelates & les religious de la terre grevez en moltz de maneres, & le poeple autrement trete qeſtre ne deuſt, & la pees meins gardez, & les leies meſuſez, & les meſfeſantz meins puniz qeſtre ne deuſſent, pur quoi les gentz douterent meins a meſfaire; Si ad le Roi ordene & eſtablie les choſes ſouzeſcriptz, qe il extend' qe ſoient profitables & convenables a tout le Roialme.

CAP. I.

The Peace of the Church and the Realm ſhall be maintained. Religious Houſes ſhall not be overcharged.

2 Inſt. 156.

‘ FIrſt the King willeth and commandeth, That the ‘ Peace of holy Church and of the Land, be well ‘ kept and maintained in all Points, and that common ‘ Right be done to all, as well Poor as rich, without ‘ reſpect of Perſons. And becauſe that Abbeys and ‘ Houſes of Religion of the Land have been over- ‘ charged, and ſore grieved, by the Reſort of great ‘ Men and other, who have ſufficient for themſelves, ‘ whereby the religious have been greatly oppreſſed, ‘ and impoveriſhed, that they cannot maintain them- ‘ ſelves, nor ſuch Charity as they have been accuſ- ‘ tomed to do; it is provided, That none ſhall come ‘ to eat or lodge in any Houſe of Religion of any ‘ other's Foundation than of his own, at the Coſts of ‘ the Houſe, unleſs he be required by the Governor ‘ of the Houſe before his coming thither. And that ‘ none, at his own Coſts, ſhall enter and come to lie ‘ there againſt the Will of them that be of the Houſe. ‘ And by this Statute the King intendeth not, that ‘ the Grace of Hoſpitality ſhould be withdrawn

EN primes voet le Roi & comaunde, qe la pees de ſeinte egliſe, & de la terre, ſoit bien garde & maintenu en toutes pointes, & comune droiture ſoit fait, auxibien as poverez, come as riches, ſans regard de nully. Purce qe les abbeys & maiſons de religion ount eſte ſurchargez, & grevez malement per la venu des grandez gentz & autres, qe bien ſufficent a eux meſmes, per quei les religious ſont ſi abeiſſez & impoverez, qils ne pont ſuſtener eux meſmes, ne charite qils ſoleient faire: Purveu eſt qe nul ne viegne manger, ne herberger, ne giſer en meſon de religion dautre avoueſon qe de la ſue, al coſt de la meſon ſil ne ſoit prie & requis eſpecialment per le governour de la meaſon, avaunt qil y viegne; & qe nul a ſes coſtages demeſne y entre, ne y viegne; a giſer encountre la volunte de ceux de la meſon: & per ceſt eſtatut ne entende pas le Roi, qe grace de hoſpitalite ſoit ſuſtret as buſoignouſes, ne qe les avoues des maiſons les puiſſent per lour venues ſurcharger ou deſtrure,

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deſtrure. Purveu eſt enſemement, que nul graund ne petit, per colour de [b] parent, ou de eſpecialte, ou de autre affiance, ne per autre encheſon, ne courge en autre Park, ne ne peſche en autri viver, nen viegne mangier, ne herberger en Manoir, ou en meſon de Prelat, ou homme de religion, ou de autre, encountre la volunte ou le congie le Seignur, ou de Bailliff, ne al coſt le Seignur de la einz, ne a ſon coſt demeſne. Et ſil viegne, et entre per le gree, ou ſaunz le gree le Seignur, ou le Bailliff, nule ſerure, us, ne feneſtre, ne nulle manere de fermure, ne face overir, ne depeſſer, ne per ſey ne per autre, ne nulle manere de vitaille nautre choſe ne preigne per colour de achat, nautrement. Et que nulle ne face batre bledz, ne prendre bledz, ne nulle manere de vitaille, ne les autres biens de nulle Prelat, homme de religion, perſon, ne dautre, ne de Clerk, ne de lay, per colour dachat, nautrement, encountre la bone volunte & la congie de celui a qi la choſe ſerra, ou le gardein, dedeinz ville Marchande ne dehors. Et qe nul ne preigne chivals, ne boefs, chars, charettes, neefs ne bateux, affair cariage ſaunz la bone volunte de celui, a qi les choſes ſerront; & ſil per la bone volunte de celui le face, lors maintenant face ſon gree ſelonc le covenant fait entre eux. Et ceux qi vendront encountre les eſtabliſſementz avauntditz, ſi [&] de ceo ſoient atteintz, ſoient ajugez a la priſone le Roi, et deilloeques reinte ſelonc la quantite et la manere del treſpas, ſelonc ceo qe Roi en ſa Court verra que bien ſoit. Et fait aſſavoir, qe ſi ceux a qi le treſpas eſt fait, vodront ſuire le damage qil averont, lors ſerra agarde et retourne al double. Et ceux qe le treſpas averont fait, ſoient enſement puniz a la manere avauntdite; Et ſi nul ne voille ſuire, le Roi eit la ſuite come de choſe faite encountre ſon defens, & encountre ſa pees: & le Roi fra enquere de an en an, ſicome il quidra qe bien ſoit quels gentz aient tiel treſpas fait; & ceux qi ſerront enditez per ceux enqueſtes, ſerront attachez & diſtreintz per la graunt deſtreſſe, de venir au certein jour, que contiegne leſpace dun moys, en la Court le Roi, ou la ou lui plerra. Et ſi ceux ne viegnent a cel jour, ils ſerront derechief deſtreintz per meſme le deſtreſſe, a vener a un terme qe contiegne vi. ſemaignes. Et ſi ceux adonqes ne viegnent, ſoient jugez come atteintz, & rendont le double, per la ſuite le Roi, a ceux qi le damage averont reſceu, et ſoient grevement reintz, ſelonc le manere del treſpas. Et le Roi defende & comande, qe nul deſoremes ne face mal ne damage, ne grevance a nul homme de religion, perſone de ſeint egliſe, ne autre, per acheſon de ceo qils eient denie le hoſtiel, ou le manger a nuly, ou per encheſun de ceo qe aſcune ſe pleint en court, de ceo qil ſe ſent greve des aſcuns des choſes avantdites: Et ſi nul le face, & de ceo ſoit atteint, ſoit encoruz la peine avauntdite. Et eſt purveu, qe les points avandits lient auxibien nos counſeillers, Juſtices des foreſtes, et autres nos Juſtices, come autres gentz. Et que les pointz avantditz ſoient mieux tenuz, et gar-

[b] *Forte* patent.

‘ from ſuch as need, nor that the founders of ſuch ‘ Monaſteries ſhould overcharge, or grieve them by ‘ their often coming. It is provided alſo, That none ‘ high nor low, by Colour of Kindred, Affinity, or ‘ Alliance, or by any other Occaſion, ſhall courſe in ‘ any Park, nor fiſh in any Pond, nor come to eat or ‘ lodge in the Houſe or Manor of a Prelate, or any ‘ other Religious Perſon, againſt the Will or Leave of ‘ the Lord, or his Bailiff, neither at the Coſt of the ‘ Lord, nor at his own. And if he come in, or enter with the Good-will, or againſt the Will of the ‘ Lord or his Bailiff, he ſhall cauſe no Door, Lock, ‘ nor Window, nor nothing that is ſhut, to be opened or broken, by himſelf, nor any other, nor no ‘ Manner of Victual, nor other Thing, ſhall take by ‘ colour of Buying, nor otherwiſe; and that none ‘ ſhall threſh Corn, nor take Corn, nor any manner ‘ of Victual, nor other Goods of a Prelate, Man of ‘ Religion, nor any other Clerk, or Lay-Perſon, by ‘ colour of Buying, or otherwiſe, againſt the Will and ‘ Licence of him to whom the Thing belongeth, or of ‘ the Keeper, be it within Market-Town, or without. ‘ And that none ſhall take Horſes, Oxen, Ploughs, ‘ Carts, Ships, nor Barges, to make Carriage, without the Aſſent of him to whom ſuch Things belong; and if he do it by the Aſſent of the Party, then ‘ incontinent he ſhall pay according to the Covenant made between them. And they that offend ‘ againſt theſe Acts, and thereof be attainted, ſhall ‘ be committed to the King's Priſon, and after ‘ ſhall make Fine, and be puniſhed according to ‘ the Quantity and Manner of the Treſpaſs, and ‘ after as the King in his Court ſhall think convenient. And it is to be known, that if they to ‘ whom ſuch Treſpaſs was done, will ſue for Damages, the ſame ſhall be awarded and reſtored to the ‘ double; and they that have done the Treſpaſs, ‘ ſhall be likewiſe puniſhed in the Manner aboveſaid; and if none will ſue, the King ſhall have the ‘ Suit, as for a Thing committed againſt his Commandment, and againſt his Peace: And the King ‘ ſhall make Enquiry from Year to Year, what Perſons do ſuch Treſpaſſes, *after* as he ſhall think ‘ neceſſary and convenient; and they that be indicted by ſuch Inqueſts ſhall be attached and diſtrained by the great Diſtreſs, to come at a certain Day, ‘ containing the Space of a Month, into the King's ‘ Court, or where it ſhall pleaſe the King; and if ‘ they come not at that Day, they ſhall be diſtrained ‘ again of new by the ſame Diſtreſs, for to come at ‘ another Day, containing the Space of ſix Weeks at ‘ the leaſt; and if they come not then, they ſhall be ‘ judged as attainted, and ſhall yield double Damages ‘ (at the King's Suit) to ſuch as have taken Hurt ‘ or Damage, and ſhall make grievous Fine after the ‘ Manner of the Treſpaſs. And the King forbiddeth and commandeth, that none from henceforth ‘ do Hurt, Damage, or Grievance to any Religious ‘ Man, or Perſon of the Holy Church, or any other, ‘ becauſe they have denied Meat or Lodging unto ‘ them, or becauſe that any complaineth in the King's ‘ Court that he hath been grieved in any of the Things ‘ above mentioned; and if any do, and thereof be attainted, he ſhall incur the Pain aforeſaid. And it is ‘ further provided, That the Points aforeſaid ſhall as ‘ well bind our Counſellors, Juſticers of Foreſts, and ‘ other

No Purveyance ſhall be made of a Prelate without the Owner's Conſent. *Enforced by* 14 Ed. 3. ſtat. 4. c. 1. 18 Ed. 3. ſtat. 3. c. 4. and 1 R. 2. c. 3. *which gives the Prelates an Action and treble Damages.* Regiſt. 98.

The Puniſhment of the Offenders.

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'other our Juſtices, as any other Perſons; and that the aforeſaid Points be maintained, obſerved, and kept. Likewiſe the King forbiddeth upon grievous Forfeitures, that no Prelate, Abbot, Man of Religion, or Bailiff of any of them, or of other, receive any Man contrary to the Form aforeſaid. And that none ſhall ſend to the Houſe or Manor of a Man of Religion, or any other Perſon, his Men, or Horſe, or Dogs, † *to ſojourn*, nor none ſhall them receive; and he that doth (ſeeing the King hath commanded the contrary) ſhall be grievouſly puniſhed. Yet it is further provided, That the Sheriff from henceforth ſhall not lodge with any Perſon, with any more than five or ſix Horſes; and that they ſhall not grieve Religious Men, nor other, by often coming and lodging, neither at their Houſes nor their Manors.'

dez: Si defende le Roi, ſur ſa greve forfaiture, que nul Prelat, Abbe, homme de religion, ou bailliff daſcun deux, ou autre, ne receyve nul homme encountre la fourme avantdite. Et qe nul nenvoie, a meiſon, ne a Manoir de religion, ne dautre homme, gentz, chivalx, ne chiens, ne nul ne les reſceive; et qi le fra, purceo qe ceo eſt encountre la defens et le comandement le Roi, il ſerra puny grevement. Unqore eſt purveu, qe Viſcontes ne herbergent ove nullui, ove pluis qe ove cink ou ſis chivalx; ne qil ne grevent la gent de religion, ne autres, per lour ſovent venir, ou giſer a lour meſons, ne a lour Manoirs.

A Prelate ſhall receive no Lodgers.

† *Not in the Original.*

Enforced by 9 Ed. 2. ſtat. 1. c. 11.

So much of this Stat. as relates to Religious Houſes is made obſ. by 31 *H.* 8. *c.* 13. *for the Diſſolution of Monaſteries and Abbeys.*

CAP. II.

A Clerk convict of Felony, delivered to the Ordinary, ſhall not depart without Purgation.

18 El. c. 7. Hob. 288. Chart. de Pardon, Br. 21.

'IT is provided alſo, That when a Clerk is taken for guilty of Felony, and is demanded by the Ordinary, he ſhall be delivered to him according to the Privilege of Holy Church, on ſuch Peril as belongeth to it, after the Cuſtom aforetimes uſed. And the King admoniſheth the Prelates, and enjoineth them upon the Faith that they owe to him, and for the common Profit and Peace of the Realm, that they which be indicted of ſuch Offences by ſolemn Inqueſt of lawful Men in the King's Court in no manner ſhall be delivered without due Purgation, ſo that the King ſhall not need to provide any other Remedy therein.'

PUrveu eſt enſement, qe quant Clerc eſt pris pur ret de felonie, et il ſoit demande per le ordinari, il lei ſoit livere, ſelonc le privilege de ſeinte egliſe, en tiele parile come il y apent, ſelonc la cuſtume avant ces heures uſe. Et le Roi amoneſt les Prelates, & lour enjoint en la foy qil luy deivent, et pur le comune profit de la pees de la terre, qe ceux qi ſont enditez de tiel rette per ſolempne enqueſt des prodes hommes fait en la Court le Roi, en nulle manere ne deliverent ſanz due purgation, iſſint qe le Roi neit mieſtre de mettre y autre remedie.

Enforced in Part by 23 H. 8. c. 11. *And altered by* 28 *H.* 8. *c.* 1. *which ordains that Perſons in holy Orders ſhall be ſubject to the ſame Pains that others be.* 2 Inſt. 164.

CAP. III.

No Penalty for an Eſcape before it be adjudged.

21 Ed. 3. f. 54. 2 Inſt. 165.

'IT is provided alſo, That nothing be demanded nor taken from henceforth, nor levied by the Sheriff, nor by any other, for the Eſcape of a Thief or a Felon, until it be judged for an Eſcape by the Juſtices in Eyre. And he that otherwiſe doth, ſhall reſtore to him or them that have payed it, as much as he or they have taken or received, and as much alſo unto the King.'

PUrveu eſt enſement, qe nul rien deſoremes ne ſoit demaunde, ne pris, ne leve per Viſcont, ne per autre, pur eſchape de laron, ou de felon, jeſqes atant qe leſchape ſoit ajugge per juſtices errantz: et qe autrement le fra, ſi rendera a celuz ou a ceux qe laveront paie, quant qil avera receu, et al Roi atant.

CAP. IV.

What ſhall be adjudged Wreck of the Sea, and what not.

5 Co. 106. 5 Ed. 3. 3. Bro. Wreck, 21. See 5 Bur. 2739.

'CONcerning Wrecks of the Sea, it is agreed, that where a Man, a Dog, or a Cat eſcape quick out of the Ship, that ſuch Ship nor Barge, nor any Thing within them, ſhall be adjudged Wreck: but the Goods ſhall be ſaved and kept by View of the Sheriff, Coroner, or the King's Bailiff, in the Hands of ſuch as are of the Town where the Goods were found; ſo that if any ſue for thoſe Goods, and after prove that they were his, or his Lord's, or periſhed in his Keeping, within a Year and a Day, they ſhall be reſtored to him without Delay; and if not, they ſhall remain to the King, and be ſeiſed by the Sheriffs, Coroners, and Bailiffs, and ſhall be delivered to them of the Town, which ſhall

DE wrek de meer eſt acorde, qe la ou homme, chien, ou chate eſchape vif hors de la nief, qe la nief ou le batel, ou nul rien qe leins fuiſt, ne ſoit jugge a wrek; mes ſoient les choſes ſavez & gardez per la veue del Viſcount, del coroner, & de Baillif le Roi, en la main de ceux de la ville, ou les choſes ſont troves; iſſint qe ſi nul ſiwe ceux biens, & puis provere qils ſoient ſoens, ou a ſon ſeignur, ou en ſa garde periz, dedeins lan et le jour, ſaunz delaie luy ſoient renduz; & ſi non, remeinent al Roi, & ſoient priſes per le Viſcount, et le Coroner, & Baillif a la ville, a reſpoundre devant Juſtices, de wrek qe apent al Roi; & la ou wrek apent a autre qe al Roi; ſi le

Enforced by 17 *Ed.* 2. *ſtat.* 1. *c.* 11.

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eit per meſme le manner: & qi autrement le fra, & de ceo ſoit atteint, ſoit agarde a la priſone, & reint a la volunte le Roi, et rendra les damages enſement: & ſi le baillif le face, & ſoit deſavowe de ſon Seignur, & le ſeignur ne ne attraie de ce a Jui, reſpoigne le baillif, ſil ad de quei; & ſil nad de quey, rende le ſeignur le corps del baillif al Roi.

'anſwer before the Juſtices of the Wreck belonging to the King. And where Wreck belongeth to another than to the King, he ſhall have it in like manner. And he that otherwiſe doth, and thereof be attainted, ſhall be awarded to Priſon, and make Fine at the King's Will, and ſhall yield Damages alſo. And if a Bailiff do it, and it be diſallowed by the Lord, and the Lord will not pretend any Title thereunto, the Bailiff ſhall anſwer, if he have whereof; and if he have not whereof, the Lord ſhall deliver his Bailiff's Body to the King.'

See 4 Ed. 1. ſtat. 2. de Officio Coronatoris.

Altered by 12 Ann. ſtat. 2. c. 18. for preſerving Ships and Goods ſtranded; and ſee Index, tit. Wreck.

CAP. V.

There ſhall be no Diſturbance of Free Elections.

ET pur ceo qe elections deivent eſtre franches, le Roi defende ſur ſa greve forfaiture, qe nul haut homme, nautre, per poiar des armes, ne per manaces, ne diſtourbe defair fraunche election.

'AND becauſe Elections ought to be free, the King commandeth upon great Forfeiture, that no great Man or other, by force of Arms, nor by Menacing, ſhall diſturb any to make free Election.'

2 Inſt. 168. *See 9 Ed. 2. ſtat. 1. c. 14. relating to Election of Dignities*

Elections ſhall be free. Br. Amercement, 6, 13, 32, 35, 37. *of the Church.*

CAP. VI.

Amerciaments ſhall be reaſonable, and according to the Offence.

ET qe nulle Citee, Burgh, ne ville, ne nul homme ne ſoit amercie, ſaunz reſonable encheſon, et ſelonc la quantite del treſpas; ceſtaſſavoir, fraunk homme ſauve ſon contenement, Marchant ſauve ſa marchaandiſe, vilein ſauve ſon gainage, & ceo per lour peres.

'AND that no City, Borough, nor Town, nor any Man be amerced, without reaſonable Cauſe, and according to the Quantity of his Treſpaſs; that is to ſay, every Free-man ſaving his Freehold, a Merchant ſaving his Merchandiſe, a Villain ſaving his Waynage, and that by his or their Peers.'

2 Inſt. 169. Regiſt. 187. 9 H. 3. ſtat. 1. c. 14. *See 34 Ed. 3. c. 1. ordaining that Fines for Treſpaſſes ſhall be reaſonable; and 1 W. & M. ſeſſ. 2. c. 2. declaring exceſſive Fines and cruel Puniſhments to be illegal, and likewiſe Grants of Fines before Conviction.*

CAP. VII.

In what Manner, and of whom, Purveyance ſhall be made for a Caſtle.

DE priſes de Coneſtables, ou Chaſtellains, faites des autres qe de la gent de la ville meſmes ou le Chaſtel eſt aſſis; purveu eſt, qe nul Coneſtable, ne Chaſtellein deſormes nul manere de priſe ne face de autre homme, qe de la ville ou ſon Chaſtel eſt aſſis; et ceo ſoit paie, ou gree fait dedeins quarant jours, ſi ceo ne ſoit auncien pris due al Roi, ou al Chaſtel, ou al ſeignur del Chaſtel.

'OF Priſes taken by Conſtables, or Caſtellains, upon ſuch Folk as be not of the Town where the Caſtle is; it is provided, That no Conſtable nor Caſtellain, from henceforth exact any Priſe, or like Thing, of any other than of ſuch as be of their Town or Caſtle; and that it be paid, or elſe Agreement to be made within fourty Days, if it be not an antient Priſe due to the King, or to the Caſtle, or to the Lord of the Caſtle.'

9 H. 3. ſtat. 1. c. 19. *Altered by* 13 Car. 2. ſtat. 1. c. 8.

CAP. VIII.

Nothing ſhall be taken for *Beaupleader*.

ET qe nul rien ne ſoit pris pur Beaupleder, ſicome autrefoitz fuiſt defendu en temps le Roi HENRY, piere le Roi qore eſt.

'AND that nothing be taken for Fair Pleading, as hath been prohibited heretofore in the Time of King HENRY, Father to our Lord the King that now is.'

2 Inſt. 171. 52 H. 3. c. 11. *Enforced by* 1 Ed. 3. ſtat. 2. c. 8. Regiſt. 179.

CAP. IX.

All Men ſhall be ready to purſue Felons.

ET purce qe la pees de la terre ad eſte feblement garde avant ces heurs, pur defaute de bone ſuite faire ſur les felons, ſelonc due manere, & nomement per encheſon des fraunchiſes ou les felons ſont recettez; purveu eſt, qe touz communialment ſoient preſtes et apparaillez la maunde-

"AND foraſmuch as the Peace of this Realm hath been evil obſerved heretofore for lack of quick and freſh Suit making after Felons in due manner, and namely becauſe of Franchiſes, where Felons are received;" 'it is provided, That all generally be ready and apparelled, at the Commandment and

2 Inſt. 171. *Enforced by* 4 Ed. 1. ſtat. 2. Officium Coron.

'Summons

'Summons of Sheriffs, and at the Cry of the Country, to sue and arrest Felons, when any need is, as well within Franchise as without; and they that will not so do, and thereof be attainted, shall make a grievous Fine to the King: And if Default be found in the Lord of the Franchise, the King shall take the same Franchise to himself; and if Default be in the Bailiff, he shall have one Year's Imprisonment, and after shall make a grievous Fine; and if he have not whereof, he shall have Imprisonment of two Years. And if the Sheriff, Coroner, or any other Bailiff within such Franchise, or without, for reward, or for Prayer, or for Fear, or for any manner of Affinity, conceal, consent, or procure to conceal, the Felonies done in their Liberties, or otherwise will not attach nor arrest such Felons there, as they may, or otherwise will not do their Office for Favour born to such Misdoers, and be attainted thereof; they shall have one Year's Imprisonment, and after make a grievous Fine at the King's Pleasure, if they have wherewith; and if they have not whereof, they shall have Imprisonment of three Years.'

See farther *Index*, tit. *Hue and Cry*.

Cotton *MS*.

ment et al somons des viscountes, & al crye del pais, de suire et darester les felons, quant miester serra, auxibien dedeins fraunchises, come dehors; et ceux qe ceo ne ferront, & de ceo soient atteintz, le Roi prendra a eux grevement: & si la defaut soit trove sur le seignur de la fraunchise, le Roi se prendra a mesme la fraunchise; & si le defaut soit en le Baillif, eit la prisone dun an, et puis soit grevement reint; et sil nad de quei, eit la prisone de deux ans. Et si Viscountes, Coroners, ou autres Baillifs dedeinz fraunchise ou dehors per lower, ou per prier, ou per nul manere de affinite, concelent, ou consentent, ou procurent de conceler les felonies faites en lour baillies, ou qils se feignent dattacher ou darester les mesfesantz per la ou ils purront, ou autrement se feignent de faire lour office en nul manere en favoure de mesfesantz, et de ceo soient atteintz; qils eient la prisone dun an, et puis soient grevement reintz; et sils nount de quoi estre reintz, eient la prisone de iii ans.

CAP. X.

What sort of Men shall be Coroners. Sheriffs shall have Counter-Rolls with them.

Enforced by 28 Ed. 3. c. 6.

"AND forasmuch as mean Persons, and undiscreet, now of late are commonly chosen to the Office of Coroners, where it is requisite that Persons honest, lawful, and wise, should occupy such Offices:" 'it is provided, That through all Shires sufficient Men shall be chosen to be Coroners, of the most wise and discreet Knights, which know, will, and may best attend upon such Offices, and which lawfully shall attach and present Pleas of the Crown; and that Sheriffs shall have Counter-Rolls with the Coroners, as well of Appeals, as of Enquests, of Attachments, or of other Things which to that Office belong; and that no Coroner demand nor take any Thing of any Man to do his Office, upon pain of great Forfeiture to the King.'

Coroners shall take nothing. 4 H. 6. 15. 4 Ed. 1. stat. 2. Officium Coronat. 2 Inst. 174. *Altered by* 3 H. 7. c. 1. *which gives Fees to the Coroners; and see* 1 H. 8. c. 7. *which alters the* 3 H. 7. *Likewise* 1 & 2 P. & M. c. 13. § 5. *and* 25 Geo. 2. c. 29. *giving Directions with respect to the Duty of Coroners.*

ET purceo qe petitz gentz & meins sages sont eslus ja de novel comunalment al office del Coroner, & mastier serreit qe prodes hommes lealx & sages se entremeissent de cel office; purveu, qe par toutes les Countes soint eslus suffisauntz Coroners de pluis lealx & pluis sages Chivalers, qe mieux sachent, voillent, & puissent, a celle office entendre, & qe lealment attachent & representent lour plees de la corone; & qe les Viscountes eient contre roules ove les Coroners, auxibien des appeaux come des enqueستes de attachementz, & des autres choses, qe a celle office appendent. Et qe nul Coroner rien ne demaunde ne preigne de nully de faire son Office, sur peine de la greve forfaiture le Roi.

CAP. XI.

Replevin by the Writ of *Odio & Atia*. Who shall be Triers of Murther.

"AND forasmuch as many being indicted of Murther, and culpable of the same, by favourable Inquests taken by the Sheriff, and by the King's Writ of *Odio & Atia*, be replevied unto the coming of the Justices in Eyre:" 'it is provided, That from henceforth such Inquests shall be taken by lawful Men chosen out by Oath (of whom two at the least shall be Knights) which by no Affinity with the Prisoners, nor otherwise, are to be suspected.'

5 H. 7. f. 5. Regist. 133. 2 Inst. 177. 9 H. 3. stat. 1. cap. 26. *Altered by* 6. Ed. 1. stat. 1. c. 9. *which orders the Commitment of such Offenders till the coming of the Justices, &c. And farther by* 28 Ed. 3. c. 9. *which ordains that no Writ shall be directed to a Sheriff to charge an Inquest to indict any.*

ET purce qe plusours rettes de morte de homme, & qe sont coupables de morte de homme, sont per favorables enqueستes prises per Viscountes, & per brief le Roi, qe est appelle *odio & atia*, repleviz jesqes a la venu de Justices; purveu est, qe celes enqueستes soient prises desoremes per prodes hommes estuz per serement, dount les ii serrount chivalers a meins, qe per nulle affinite ne touchent les prisons, nautrement ne soient suspecionouses.

CAP.

CAP. XII.

The Puniſhment of Felons refuſing lawful Trial.

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PUrveu eſt enſement, qe les felouns eſcriez, & qe ſont apertement de male fame, & ne ſe voillent mettre en enqueſte des felonies, qe lem lui mette ſuire devant Juſtices a la ſuite le Roi, ſoient mys en la priſone forte & dure, come ceux qi refuſent eſtre a la commune ley de la terre. Mes ce neſt mye a entendre pur priſons, qui ſont pris pur leger ſuſpecioun.

'IT is provided alſo, That notorious Felons, and which openly be of evil Name, and will not put themſelves in Enqueſts of Felonies, that Men ſhall charge them with before the Juſtices at the King's Suit ſhall have ſtrong and hard Impriſonment, as they which refuſe to ſtand to the Common Law of the Land. But this is not to be underſtood of ſuch Priſoners as be taken of light Suſpicion.'

Dyer 205. Kel. 70. 8 H. 4. 2. 4 Ed. 4. 11. 14 Ed. 4. 7. 21 Ed. 3. 8. Fitz. Coron. 233, 283, 359. 2 Inſt. 177.

CAP. XIII.

The Puniſhment of him that doth raviſh a Woman.

ET le Roi defende qe nul ne raviſe, ne preigne a force, damiſelle dedeinz age, ne per ſon gree, ne ſauns ſon gree, ne dame ne damoiſelle dage, nautre femme malgre ſoen; Et ſi nul le face, a la ſuite celui qi ſuera dedeinz les quarant jours, le Roi lui fra comune droiture; & ſi nul comence la ſuite dedeinz quarant jours, le Roi ſuiera; & ceux qil trovera coupables, ſi averont la priſone de deux anns, & puis ſerront reintz a la volunte le Roi; & ſil neient dount eſtre reintz a la volunte le Roi, ſi ſoient puny per pluis longe priſone, ſelonc ceo qe le treſpas demande.

'AND the King prohibiteth that none do raviſh, nor take away by Force, any Maiden within Age (neither by her own Conſent, nor without) nor any Wife or Maiden of full Age, nor any other Woman againſt her Will; and if any do, at his Suit that will ſue within forty Days, the King ſhall do common Right; and if none commence his Suit within fourty Days, the King ſhall ſue; and ſuch as be found culpable, ſhall have two Years Impriſonment, and after ſhall fine at the King's Pleaſure; and if they have not whereof, they ſhall be puniſhed by longer Impriſonment, according as the Treſpaſs requireth.'

22 Ed. 4. 22. Co. Lit. 123. b. 2 Inſt. 180. 12 Co. 37. Hob. 91.

Altered by 13 Ed. 1. ſtat. 1. c. 34. *which makes it Felony.*

And farther, by 6 R. 2. *ſtat.* 1. c. 6. *which ordains the Penalties where a Woman conſents. And ſee* 18 Eliz. c. 7. *which takes away Clergy from this Offence: Likewiſe the* 4th *Sect. of the ſame Stat. which makes it Felony without Clergy to have carnal Knowledge of Woman Child under Ten Years of Age.*

CAP. XIV.

Appeal againſt the Principal and Acceſſary.

ET purceo qe lem ad uſe de utlager en aſcuns pais les gentz appellez de comandement, force, eyde, & ce rettement [*recettement*] dedeinz meſme le terme, qe homme doit utlager celuy qeſt appelle del fait. Purveu eſt & graunte per le Roi, qe nul ſoit utlage per apel de comaundement, force, eyde, & receitement, jeſqz atant qe lapele del faite ſoit atteint, affint qune meſme ley ſoit de ceo per toute la terre: mes celuy qi appele, ne leſſe pas pur ceo dattachier ſon appele al proſchein Countee vers ceux, auxibien come vers les apelez del fait; mes lexigende de eux demoerge, tant come les appellez del fait ſoient atteintz per utlagarie, ou autrement.

"AND foraſmuch as it hath been uſed in ſome Counties to outlaw Perſons being appealed of Commandment, Force, Aid, or Receipt within the ſame Time that he which is appealed for the Deed, is outlawed;" 'It is provided and granted by the King, That none be outlawed upon appeal of Commandment, Force, Aid, or Receipt, until he that is appealed of the Deed be attainted, ſo that one like Law be uſed therein through the Realm: Neverthleſs he that will ſo appeal, ſhall not, by reaſon of this, intermit or leave off to commence his Appeal at the next County againſt them, no more than againſt their Principals, which be appealed of the Deed; but their Exigent ſhall remain, until ſuch as be appealed of the Deed be attainted by Outlawry, or otherwiſe.'

Co. l. 9. f. 119. Plowd. 97. 2 R. 3. 51. 9 H. 7. 19. 20 Ed. 4. 7. 7 H. 4. 36. Fitz. Coron. 10, 12, 33. Raſt. pla. f. 42, 47, 48. 2 Inſt. 182.

CAP. XV.

Which Priſoners be mainpernable, and which not. The Penalty for unlawful Bailment.

ET purceo qe les Viſcountes, & autres, qi ount pris & detenuz en priſone gentz rettez de felonie, neintfoits ount leſſez per plevine la gent qe ne ſont mie repleviſables, & ount detenuz en priſone ceux qe eſtoient repleviſables, per acheſon de ganer de eux, & de graver les autres. Et purceo qavant ces houres ne fuiſt mie termine certeinement queux feurent repleviſables, & queux non,

"AND foraſmuch as Sheriffs, and other, which have taken and kept in Priſon Perſons detected of Felony, and incontinent have let out by Replevin ſuch as were not repleviſable, and have kept in Priſon ſuch as were repleviſable, becauſe they would gain of the one party, and grieve the other; and foraſmuch as before this Time it was not determined which Perſons were repleviſable, and which

What ſort of Offenders be not mainpernable. 1 Roll. 134, 192, 268. Bro. Mainpriſe, 11, 56, 78.

" not,

Fitz. Mainprise, 1, 39, 40. Bro. Mainprise, 54, 57, 59, 60, 75, 78, 91. 11 Co. 29. Bro. Main. 6. 9, 19, 22, 30, 48, 50, 51, 53, 58, 63, 64, 73, 91, 94, 97.

" not, but only those that were taken for the Death " of Man, or by Commandment of the King, or of " his Justices, or for the Forest;" ' It is provided, and ' by the King commanded, that such Prisoners as ' before were outlawed, and they which have ab- ' jured the Realm, Provors, and such as be taken with ' the Manour, and those which have broken the King's ' Prison, Thieves openly defamed and known, and ' such as be appealed by Provors, so long as the Provors ' be living (if they be not of good Name) and such as ' be taken for House-burning feloniously done, or ' for false Money, or for counterfeiting the King's ' Seal, or Persons excommunicate, taken at the Re- ' quest of the Bishop, or for manifest Offences, or for ' Treason touching the King himself, shall be in no ' wise repleviable by the common Writ, nor with- ' out Writ: But such as be indicted of Larceny, by ' Enquests taken before Sheriffs or Bailiffs by their Of- ' fice, or of light Suspicion, or for petty Larceny that ' amounteth not above the value of *xii d.* if they were ' not guilty of some other Larceny aforetime, or guilty ' of Receipt of Felons, or of Commandment, or Force, ' or of Aid in Felony done; or guilty of some other ' Trespass, for which one ought not to lose Life nor ' Member, and a Man appealed by a Provor after the ' Death of the Provor (if he be no common Thief, ' nor defamed) shall from henceforth be let out by suf- ' ficient Surety, whereof the Sheriff will be answer- ' able, and that without giving ought of their Goods. ' And if the Sheriff, or any other, let any go at ' large by Surety, that is not repleviable, if he be ' Sheriff or Constable, or any other Bailiff of Fee, ' which hath keeping of Prisons, and thereof be at- ' tainted, he shall lose his Fee and Office for ever. ' And if the Under-Sheriff, Constable, or Bailiff of ' such as have Fee for keeping of Prisons, do it ' contrary to the Will of his Lord, or any other Bai- ' liff being not of Fee, they shall have three Years ' Imprisonment, and make Fine at the King's Plea- ' sure. And if any withhold Prisoners repleviable, ' after that they have offered sufficient Surety, he shall ' pay a grievous Amerciament to the King; and if he ' take any Reward for the Deliverance of such, he ' shall pay double to the Prisoner, and also shall be in ' the great Mercy of the King.'

What sort of Offenders be mainpernable. 2 Bulstr. 328. 3 Bulstr. 113.

The Penalty for unlawful Mainprise.

Enforced by 27 *Ed.* 1. *stat.* 1. *c.* 3. See further *Index*, tit. *Bail and Mainprise.*

The Penalty for detaining a Prisoner that is mainpernable. 2 Inst. 184.

Cotton *MS.*

fors pris ceux qestoient pris pur mort de homme, ou per comaundement le Roi, ou de ses Justices, ou per la foreste : Purveu est, & comaunde per le Roi, qe les prisons qi sont avant utlagez, & ceux qi eient forjure la terre, provurs, ceux qi sont pris ove mainoevre, ceux qi ount depesche la prisone le Roi, larons apertement escriez & notoires, & ceux qe sont appellez de provurs taunt come le provur vist, & sils ne soient de bone fame, & ceux qi sont pris pur arsoun felonusement fait, ou pur faux monoye, ou fausours du seal le Roi, ou escomegne pris per priere Leveşque, ou per aperte malvete, ou treson qe touche le Roi mesmes, ne soient en nul manere repleviables per le comune brief, ne sanz brief : mes ceux qi sount enditez de larcine per enquestes des Viscontes ou de Bailiffs prises de lour offices, ou per leger suspecion, ou per petit larcine, qe ne amonte outre la value de xii. deniers, si ne soit rette de autre larcine avant celle heure, ou rette de recettement des felouns, ou de comandement, ou de la force, ou del eide de felonie fait; ou rette dautre trespas pur la quele homme ne doit perdre vie, ne membre; Et homme appele de provour puis la mort le provour, sils [*ne*] soient aperte larons escriez, soient desoremes lessez pur suffisant plevin, dont le Viscount voile respoundre, & ceo saunz rein doner de lour. Et si Viscountes ou autres, lessent per plevin nul qe ne soit repleviable, si cest Viscounte, Conestable, ou autre Baillif de fee & qe eit garde des prisons, & de ceo soit atteint, perde la fee & la baille a touz jours; & si souz-viscounte, Conestable, ou Baillif, celui qui a tiel fee pur garder les prisons, eit ceo fait saunz la volunte son segnur, ou autre baillif qe ne soit de fee, eit la prisone de trois anns, & soit reint a la volunte le Roi, Et si nul deteigne les prisons repleviable, puis qe le prison eit offert suffisaunte seurete, il serra en la greve mercye le Roi; & sil preigne lower pur la deliverer, il rendra le double al prison, & ensement serra en la greve mercye le Roi.

CAP. XVI.

None shall distrain out of his Fee, nor drive the Distress out of the County.

A Distress shall not be driven out of the County. 1 H. 5. 3. *Enforced and amended by* 1 & 2 *P. & M. c.* 12. *which directs where Distresses shall be impounded.* Distraining out of his Fee. 2 Inst. 191. 7 H. 7. f. 1. 52 H. 3. c. 4. Regist. 183. *See likewise Index*, tit. *Distress.*

" IN right thereof, that some Persons take, and " cause to be taken, the Beasts of other, chasing " them out of the Shire where the Beasts were taken;" ' it is provided also, That none from henceforth do ' so; and if any do, he shall make a grievous Fine, as ' is contained in the Statute of *Marlebridge*, made in ' the Time of King HENRY, Father to the King that ' now is. And likewise it shall be done to them ' which take Beasts, and distrain out of their Fee, ' and shall be more grievously punished, if the Man- ' ner of the Trespass do so require.'

EN droit de ceo qe ascuns gentz pernent, & prendre fount les averes des autres, & les chacent hors del Countee ou les averes sont pris; purveu est qe nul desoremes ne le face; & si nul le fait, soit reint grevement solonc ceo qe est contenuz en les *dits* estatutz de Marleberge, faite al temps le Roi HENRY, pier le Roi qoer est: & per mesme la manere soit fait de ceux qui pernent les averes, & qe font destresse en autre fee, & pluis grevement soient puniz, selonc ceo qe le trespas demaunde.

CAP.

CAP. XVII.

The Remedy if the Diſtreſs be impounded in a Caſtle or Fortreſs.

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PUrveu eſt enſement, qe ſi nul deſoremes preigne les averes des autres, & les face chacer al Chaſtel ou al forcelette, & illeoqes dedeinz clos del Chaſtel, ou de la forcelette, les deteigne encountre gage & plegge, puis qe les averes ſerront ſolempnement demandez per le Viſcounte ou per le Baillif le Roi; a la ſuite del pleintif, qe le Viſcounte ou le Baillif priſe ov luy poyer de ſon Countee, ou de ſa baillie, voit aſſaier de faire le plevin des averes a celuy qe pris les averes, ou a ſon Seignur, ou as autres des hommes ſon Seignur qeconques ſoit trove al leu, ou les averes furont enchacez; & ſi lem luy deforce la deliveraunce des averes, ou qe ne trove homme pur le Seignur, ou per celui qi les avera pris, quen reſpoigne & face la deliverance, apres ceo qe le Seignur al pernour, per Viſcounte ou per Baillif en ſerra amoneſtee, ſil eſt en pais, ou pres, ou qil purra per le pernour, ou per autre des ſoens covenablement eſtre garny de faire la deliveraunce, ſil fuiſt hors de cel pais, quant la pris fuiſt fait, & ne face adonqes maintenant les averes deliverer, qe le Roi pur le diſpit, & pur le treſpas, face abatre le Chaſtel, ou le forcelette ſaunz relever; & toute le damage qe le pleintif avera reſceu de ſes averes, ou de ſon gainage deſtourbe, ou en autre manere, puis le primer demaunde des averes faite per le Viſcounte ou per le Baillif, lui ſoient reſtorez au double de celui qe les averes avera pris, ſil ad de quoi; & ſil nad de quoi, eit dal Seignur quele houre, & en equele manere la deliveraunce ſoit fait, apres ceo qe le Viſcounte ou le Baillif y ſerra venue pur la deliverance faire. Et fait aſſavoir, qe la ou le Viſcounte devera faire retourne del brief le Roi al Baillif le Seignur del Chaſtel, ou de la forcelette ou autre, a qi retourne del brief le Roi a ceo appent, ſi le Baillif de cele fraunchiſe ne face la deliverance, puis qil avera le retourne, face le Viſcount ſon office ſaunz delaie, ſicome il eſt avantdit, & ſur lavantdite payne: & per meſme la manere ſoit faite la deliverance per attachement de pleint fait ſaunz brief, & ſur meſme la payne. Et ceo fait a entendre per tout la, ou le brief le Roi court. Et ſi ceo eſt en la marche de Gales, ou aillours la ou le brief le Roi ne court mye, le Roi, qi eſt ſoveraine ſeignur, en fra droit a ceux qe pleindre ſe voudront.

'IT is provided alſo, That if any from henceforth take the Beaſts of other, and cauſe them to be driven into a Caſtle or Fortreſs, and there within the Cloſe of ſuch Caſtle or Fortreſs do withhold them againſt Gage and Pledges, whereupon the Beaſts be ſolemnly demanded by the Sheriff, or by ſome other Bailiff of the King's; at the Suit of the Plaintiff, the Sheriff or Bailiff, taking with him the Power of the Shire or Bailiwick, do aſſay to make replevin of the Beaſts from him that took them, or from his Lord, or from other, being Servants of the Lord (whatſoever they be) that are found in the Place whereunto the Beaſts were chaſed; if any deforce him of the deliverance of the Beaſts, or that no Man be found for the Lord, or for him that took them, for to anſwer and make the deliverance, after ſuch time as the Lord or Taker ſhall be admoniſhed to make Deliverance by the Sheriff or Bailiff, if he be in the Countrey, or near, or there whereas he may be conveniently warned by the Taker, or by any other of his to make Deliverance; if he were out of the Countrey when the taking was, and did not cauſe the Beaſts to be delivered incontinent, that the King, for the Treſpaſs and Deſpite, ſhall cauſe the ſaid Caſtle or Fortreſs to be beaten down without Recovery; and all the Damages that the Plaintiff hath ſuſtained in his Beaſts, or in his Gainure, or any otherwiſe (after the firſt Demand made by the Sheriff or Bailiff) of the Beaſts, ſhall be reſtored to him double by him that took the Beaſts, if he have whereof; and if he have not whereof, he ſhall have it of the Lord, at what time, or in what manner the Deliverance be made, after that the Sheriff or Bailiff ſhall come to make Deliverance; and it is to wit, that where the Sheriff ought to return the King's Writ to the Bailiff of the Lord of the Caſtle or Fortreſs, or to any other, to whom the Return belongeth, if the Bailiff of the Franchiſe will not make Deliverance after that the Sheriff hath made his return unto him, then ſhall the Sheriff do his Office without further Delay, and upon the foreſaid Pains: And in like manner Deliverance ſhall be made by Attachment of Plaint made without Writ, and upon the ſame Pain. And this is to be intended in all Places where the King's Writ lieth. And if that be done in the Marches of *Wales*, or in any other Place, where the King's Writs be not current, the King, which is Sovereign Lord over all, ſhall do Right there unto ſuch as will complain.'

52 H. 3. c. 3. & 21. *See* 13 Ed. 1. ſtat. 1. c. 39. *giving Directions to Sheriffs in caſe they find Reſiſtance.* Regiſt. 85. 2 Inſt. 192.

A non omittas to the Sheriff, if the Bailiff do not execute the Writ. 52 H. 3. c. 21.

Marches of Wales.

CAP. XVIII.

Who ſhall aſſeſs the common Fines of the County.

PUR ceo qe la commune fine & amerciement de toute le Countee en Eire des Juſtices per faux jugementz, ou per autre treſpas, eſt aſſis per Viſcountes & Barettours des countees malement, iſſint qe la ſomme eſt meintfoitz encru, & les parcelles autrement aſſis qeſtre ne deuſſent, al damage del poeple, & pluſours foitz ſont paiez a Viſcountes Barettours, qe point ne les acquitent; purveu eſt, & voet le Roi, qe deſormes en Eire des Juſtices

"FOraſmuch as the common Fine and Amerciament of the whole County in Eyre of the Juſtices for falſe Judgments, or for other Treſpaſs, is unjuſtly aſſeſſed by Sheriffs and Baretors in the Shires, ſo that the Sum is many Times increaſed, and the Parcels otherwiſe aſſeſſed than they ought to be, to the Damage of the People, which be many Times paid to the Sheriffs and Baretors, which do not acquit the Payers;" 'it is provided, and the 'King

Juſtices in Eyre.

2 Inſt. 196. 8 Co. 39.

'King wills, that from henceforth ſuch Sums ſhall be aſſeſſed before the Juſtices in Eyre, afore their Departure, by the Oath of Knights and other honeſt Men, upon all ſuch as ought to pay; And the Juſtices ſhall cauſe the Parcels to be put unto their Eſtreats, which ſhall be delivered up into the Exchequer, and not the whole Sum.'

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devant eux a lour departir, ſoit celle ſomme aſſiſe per ſerement des chivalers & des prodes hommes, ſur touz ceux qeſtre deveront; & Juſtices facent mettre les parceles en lour eſtretes, qils liveront al Eſchequer, & non pas la ſomme totale.

CAP. XIX.

A Sheriff having received the King's Debt, ſhall diſcharge the Debtor.

2 Inſt. 197.

'IN Right of the Sheriffs, or other, which anſwer by their own Hands unto the Exchequer, and which have received the King's Father's Debts, or the King's own Debts before this Time, and have not acquitted the Debtors in the Exchequer; it is provided, That the King ſhall ſend good and lawful Men through every Shire, to hear all ſuch as will complain thereof, and to determine the Matters there, that all ſuch as can prove that they have paid, ſhall be thereof acquitted for ever (whether the Sheriffs or other be living or dead) in a certain Form that ſhall be delivered them; and ſuch as have not ſo done (if they be living) ſhall be grievouſly puniſhed; and if they be dead, their Heirs ſhall anſwer, and be charged with the Debt. And the King hath commanded, that Sheriffs and other aforeſaid, ſhall from henceforth lawfully acquit the Debtors at the next Accompt after they have received ſuch Debts; and then the Debt ſhall be allowed in the Exchequer, ſo that it ſhall no more come in the Summons; and if the Sheriff otherwiſe do, and thereof be attainted, he ſhall pay to the Plaintiff thrice as much as he hath received, and ſhall make Fine at the King's Pleaſure. And let every Sheriff take heed, that he have ſuch a Receiver, for whom he will anſwer; for the King will be recompenſed of all, of the Sheriffs and their Heirs. And if any other, that is anſwerable to the Exchequer by his own Hands ſo do, he ſhall render thrice ſo much to the Plaintiff, and make Fine in like manner. And that the Sheriffs ſhall make Tallies to all ſuch as have paid their Debt to the King; and that the Summons of the Exchequer be ſhewed to all Debtors that demand a Sight thereof, without denying to any, and that without taking any Reward, and without giving any Thing; and he that doth contrary, the King ſhall puniſh him grievouſly.'

A Sheriff having received the King's Debt, ſhall diſcharge the Debtor. 51 H. 3. ſtat. 4.

Proceſs for levying of the King's Debt ſhall be ſhewed to the Debtor. *Enforced by* 42 Ed. 3. c. 9. *and* 7 H. 4. c. 3.

EN droit des Viſcountes, ou autres, qi reſpoignent per lour meyns al Eſcheqer, & qe ount reſceu de les dettes le Roi HENRY, Pier le Roi qore eſt, ou les dettes le Roi meſmes avant ces heurs, & qinount mye les dettes aqituz all Eſcheqer; purveu eſt, qe le Roi envoiera bones gentz per touz les Countees, a oier touz ceux qe de ceo pleindre ſe voudrount, & a terminer iſſint la buſoigne; qe ceux qe purront monſtrer qils eient iſſint paiez, a touz jours on ſerront quitez, les quele qe les Viſcountes, ou les autres ſerront mortz ou vifs, en certeine forme que lour ſerra baille; & ceux qe iſſint naveront fait, ſils ſoient en vie, ſerront puniz grevement; & ſils ſoient mortz, lour heirs reſpoignent, & ſoient chargez de la dette. Et comaunde ad le Roi, qe le Viſcountes & les autres avantdites, deſoremes loialment acquitent les dettours al proſchein accounte puis qils averont al dette reſceu; & adonqes ſoit la dette allowe al Eſcheqer, iſſint qe mes ne vieyne en ſomons; & ſi Viſcount autrement le face, & de ceo ſoit atteint, ſi rendra al pleintif le treble de ceo qil avera de lui reſceu, & ſoit reint a la volunte le Roi: & bien ſe garde cheſcun, qil eit tiel reſceivour, pur qi il voudra reſpoundre, qar le Roi ſe prendra de tout as Viſcountes, & a lour heirs; & ſi autre qe reſpounde per ſa mein al Eſcheqer le face, ſi rende le double [*treble*] al pleintif, & ſoit reint en meſme la manere. Et qe les Viſcountes facent tailles a touz ceux, qi les paieront le dette le Roi; & qe la ſomons de la Eſcheqer as touz les dettours, qui demaundre voudront la veue, lour facent monſtrer ſaunz veir la a nulluy, & ceo ſanz rien doner; & qi ne le fra, le Roi ſe prendra a lui grevouſement.

CAP. XX.

Offences committed in Parks and Ponds. Robbing of tame Beaſts in a Park.

Regiſt 80, 111. Raſt. 651, &c. 2 Inſt. 198, 200. Kel. 39, 202. Dyer 238. 47 Ed. 3. 10. 9 H. 6. 2. 5 H. 5. 1. 19 H. 8, 9. 18 H. 6. 21. 21 H. 7. 21. 13 H. 7. 10, 12. Fitz. Barre, 83. Keilw. 114. b. 2 Ed. 4. 4. b.

'IT is provided alſo for Treſpaſſers in Parks and Ponds, That if any be thereof attainted at the Suit of the Party, great and large Amends ſhall be awarded according to the Treſpaſs, and ſhall have three Years Impriſonment, and after ſhall make Fine at the King's Pleaſure (if he have whereof) and then ſhall find good Surety, that after he ſhall not commit like Treſpaſs; and if he have not whereof to make Fine, after three Years Impriſonment, he ſhall find like Surety; and if he cannot find like Surety, he ſhall abjure the Realm; and if any being guilty thereof be fugitive, and have no Land nor Tenement ſufficient (whereby he may be juſtified) ſo ſoon as the King ſhall find it by Enqueſt, he

PUrveu eſt des meſfeſours des parkes & de vivres, qe ſi nul ſoit de ceo atteint per la ſuite le pleintif, ſoient agardez bones & hautes amendes, ſelonc la manere del treſpas, & la priſone de trois anns, & de illeoqes ſoit reint a la volunte le Roi, ſil ad dount eſtre iſſit reint, & lors trove bone ſeurete, qe mes ne meſface; & ſil nad dount eſtre reint apres la priſone de trois anns, trove meſme la ſeurte; & ſil ne poet trover la ſeurte, forjure ceſt roialme; Et ſi nul de ceo rettez ſoit futif, & ne eit terre ne tenement ſuffiſant, per quoi il poet eſtre Juſtice; ſi toſt come le Roi avera ceſt trove per bone enqueſte, ſoit demande de Countee en Countee; & ſil ne voet venir, ſoit utlage. Et

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purveu & acorde eſt enſement, que ſi nul ne ſuiſt dedeinz lan & le jour puis le treſpaſs faite, le Roi avera la ſuite; & ceux quil trova rettez de ceo per bone enqueſte, ſerrount puniz per meſme la manere en touz pointz, ſicome deſuis eſt dit. Et ſi nul tiel meſeſour ſoit atteint, qil eit pris en ces parkes beſtes damages, [*domeſches*] ou autre choſe en manere de roberie, en venaunt, ou demurant, ou en retournant, ſoit fait de luy comune ley qe afiert a celuy qi eſt atteint dapert roberie & larcine, auxibien a la ſuite le Roi, come dautre.

'ſhall be proclaimed from County to County; and 'if he come not, he ſhall be out-lawed. It is pro-'vided alſo and agreed, That if none do ſue within 'a Year and a Day for the Treſpaſs done, the King 'ſhall have the Suit; and ſuch as be found guilty 'thereof by lawful Enqueſt, ſhall be puniſhed in 'like manner in all Points as above is ſaid. And if any 'ſuch Treſpaſſer be attainted, that he hath taken tame 'Beaſts, or other Things, in the Parks, by Manner of 'Robbery, in coming, tarrying, or returning, let the 'Common Law be executed upon him, as upon him 'that is attainted of open Theft and Robbery, as well 'at the Suit of the King, as of the Party.'

9 H. 3. ſtat. 2. c. 10, 11. *Altered by* 1 Ed. 3. ſtat. 1. c. 8.

And ſee 1 H. 7. c. 7. *which makes hunting in Parks diſguiſed, Felony. See likewiſe Index, tit.* Parks *and* Ponds.

CAP. XXI.

No Waſte ſhall be made in Wards Lands; nor in Biſhops, during the Vacation.

ENdroit des terres des heirs deinz age, qi ſont en la garde lours ſeignurs; purveu eſt, qe le gardeins les gardent, & lour ſuſtenent, ſaunz deſtruction faire en toute rien; & qe de cele manere des gardes ſoit fait en touz points, ſelonc ceo qil eſt contenu en la graunde Chartere des fraunchiſes le Roi HENRY, pier le Roi qore eſt, & qe iſſint ſoit uſee deſoremes: & per meſme la manere ſoient gardes les Ercheveſqes, Eveſqes, Abbeys, Egliſes, & Dignitees, en temps de vacation.

'IN Right of Lands of Heirs being within Age, 'which be in Ward of their Lords; it is provided, 'That the Guardians ſhall keep and ſuſtain the Land, 'without making Deſtruction of any Thing; and 'that of ſuch Manner of Wards ſhall be done in all 'Points, as is contained in the great Charter of Liber-'ties made in the Time of King HENRY, Father to 'the King that now is, and that it be ſo uſed from 'henceforth. And in the ſame manner ſhall Arch-'biſhopricks, Biſhopricks, Abbacies, Churches, and 'all ſpiritual Dignities, be kept in Time of Vaca-'tion.'

Bro. Waſt, 32. 37, 49, 68, 107, 137. Co. Lit. 54.

Bro. Waſt, 58. Regiſt. 72. 2 Inſt. 201. 9 H. 3. ſtat. 1. c. 4, 5. *Enforced by* 6 Ed. 1. ſtat. 1. c. 5. 13 Ed. 1. ſtat. 1. c. 14. 20 *Ed.* 1. *ſtat.* 2. *concerning Waſte.* 28 Ed. 1. ſtat. 3. c. 18. 36 Ed. 3. *ſtat.* 1. *c.* 13. *Obſ. by the* 12 *Car.* 2. *c.* 24. *as to Wardſhip by reaſon of Tenure.*

CAP. XXII.

The Penalty of an Heir marrying without Conſent of his Guardian. A Woman Ward.

DES heirs mariez dedeinz age, ſaunz le gree lour gardeins, avant qils eient paſſe lage de xiiii. annz, ſoit fait ſelonc ceo qeſt contenue en la purveance de Merton: & de ceux qi ſerront mariez ſaunz le gree lour gardeins, puis qils averont paſſe xiiii. anne, le gardein eit la double value de ſon mariage, ſelonc le tenour de meſme la purveance: & eſtre ceo ceux qaveront ſuſtret la mariage, rendent le droite value del mariage au gardein pur le treſpas, & ja le meins le Roi eit les amendes, ſelonc meſme cele purveance. Des heirs femeles, puis qe eles averont complie lage de xiiii. annz, & le Seignur, a qi la mariage apent, cele ne voudra marier, mes pur coveteiſe de la terre cele voudra tenir de marier; purveu eſt, qe le Seignur ne puis aver, ne tenir, per acheſon del mariage, les terres a ceux heirs femels outre deux annz apres le terme les avantditz xiiii. anns: & ſi les Seignurs dedeinz ces deux annz ne les marient, donqes eient eles action de recoverir lour heritage quitement ſaunz rien doner pur la garde, ou pur la mariage: & ſi eles per malice, ou per malveis counſeil, ne ſe voillent pour lour chief Seignur marier, ou eles ne ſoient deſparagez, qe les Seignurs tiegnent la terre & leritage jeſqe al age del male, ceſt aſſavoir, de xxi. annz, & outre, taunt qils eient pris la value del mariage.

'OF Heirs married within Age without the Con-'ſent of their Guardians, afore that they be paſt 'the Age of fourteen Years, it ſhall be done accord-'ing as it is contained in the Statute of *Merton*. And 'of them that ſhall be married without the Conſent 'of their Guardians, after they be paſt the Age of 'fourteen Years, the Guardian ſhall have the double 'Value of their Marriage, after the Tenour of the 'ſame Act. Moreover, ſuch as have withdrawn 'their Marriage, ſhall pay the full Value thereof 'unto their Guardian for the Treſpaſs, and never-'theleſs the King ſhall have like Amends, according 'to the ſame Act, of him that hath ſo withdrawn. 'And of Heirs Females, after they have accom-'pliſhed the Age of fourteen Years, and the Lord (to 'whom the Marriage belongeth) will not marry them, 'but for Covetiſe of the Land will keep them unmar-'ried; it is provided, That the Lord ſhall not have nor 'keep, by Reaſon of Marriage, the Lands of ſuch Heirs 'Females, more than two Years after the Term of 'the ſaid fourteen Years. And if the Lord within the 'ſaid two Years do not marry them, then ſhall they 'have an Action to recover their Inheritance quit, 'without giving any Thing for their Wardſhip, or 'their Marriage. And if they of Malice, or by evil 'Counſel, will not be married by their chief Lords '(where they ſhall not be diſparaged) then their Lords 'may hold their Land and Inheritance until they have 'accompliſhed the Age of an Heir Male, that is to 'wit, of One and twenty Years, and further until 'they have taken the Value of the Marriage.'

2 Inſt. 202. Cro. El. 469. Stat. Merton, 20 *H.* 3. cap. 6.

Co. Ent. 262. When an Heir Female ſhall be out of Ward.

The Penalty of a Ward refuſing a Marriage tendered. Fitz. Gard. 59. 71. Bro. Gard. 86. 6 Co. 71. Reiſt. 161.

See 13 Ed. 1. ſtat. 1. c. 35. *for the Puniſhment of taking away a Ward. Obſ. by* 12 Car. 2. c. 24. *which aboliſhes Wardſhip by Tenure.*

CAP. XXIII.

None ſhall be diſtrained for a Debt that he oweth not.

A Stranger ſhall not be diſtrained for Debt. 2 Inſt. 204.

'IT is provided alſo, That in no City, Borough, Town, Market, or Fair, there be no Foreign Perſon (which is of this Realm) diſtrained for any Debt wherefore he is not Debtor or Pledge; and whoſoever doth it, ſhall be grievouſly puniſhed, and without Delay the Diſtreſs ſhall be delivered unto him by the Bailiffs of the Place, or by the King's Bailiffs, if need be.'

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PUrveu eſt enſement, qen Citee, Burgh, Ville, Foire, ne Marchee, ne ſoit nul homme forein, qe ſoit de ceſt roialme, deſtreint pur dette, dont il ne ſoit dettour ou plegge; & qi le fra, ſerra grevement puniz, & ſaunz delaie ſoit la deſtreſſe delivere per les Baillifs del lieu, ou per autre Baillif le Roi, ſi mieſter [*meſtier*] eſt.

CAP. XXIV.

The Remedy if an Officer of the King do diſſeiſe any.

'IT is provided alſo, That no Eſcheator, Sheriff, nor other Bailiff of the King, by Colour of his Office, without ſpecial Warrant, or Commandment, or Authority certain pertaining to his Office, diſſeiſe any Man of his Freehold, nor of any Thing belonging to his Freehold; and if any do, it ſhall be at the Election of the Diſſeiſee, whether that the King by Office ſhall cauſe it to be amended at his Complaint, or that he will ſue at the Common Law by a Writ of *Novel diſſeiſin*; and he that is attainted thereof ſhall pay double Damages to the Plaintiff, and ſhall be grievouſly amerced unto the King.'

See 1 R. 2. c. 9. *concerning Alienations made after Diſſeiſin.* 2 Inſt. 206.

PUrveu eſt enſement, qe nul Eſchetour, Viſcount, nautre Baillif le Roi, per colour de ſon office, ſaunz eſpecial garraunt, ou comaundement, ou certein auctorite qapent a ſon office, ne diſſeiſe nul [*frank*] homme de ſon frank tenement, [*ne de choſe qappent a ſon frank tenement*;] & ſi nul le face, ſoit en la volunte le diſſeiſi, qe le Roi de ſon office le face amendre per ſa pleint, ou qil eit commune ley per brief de novell deſſeiſin; & celui qi ſerra de ceo atteint, rendra les damages au double meſme le pleintif, & ſerra en la greve mercy le Roi.

CAP. XXV.

None ſhall commit Champerty, to have Part of the Thing in Queſtion.

9 H. 7. 18. 15 H. 7. 2. Regiſt. 128. Raſt. 119. 2 Inſt. 297. *See* c. 28. *Enforced by* 13 Ed. 1. ſtat. 1. c. 49. 28 Ed. 1. ſtat. 3. c. 11. 33 Ed. 1. ſtat. 2 & 3.

'NO Officer of the King by themſelves, nor by other, ſhall maintain Pleas, Suits, or Matters hanging in the King's Courts, for Lands, Tenements, or other Things, for to have Part or Profit thereof by Covenant made between them; and he that doth, ſhall be puniſhed at the King's Pleaſure.'

NUlle Miniſtre le Roi ne maintene per lui, ne per autre, les plees, paroles, ou buſoignes, qe ſount en la Court le Roi, des terres, tenementz, ou des autres choſes, pur aver part de ceo, ou autre profit per covenant fait; & qi le fray, ſoit puny a la volunte le Roi.

And ſee 32 H. 8. c. 9. *ordaining that Proclamation of the Statutes of Maintenance and Champerty ſhall be made at the Aſſizes.*

CAP. XXVI.

None of the King's Officers ſhall commit Extortion.

Co. Lit. 368. 2 Inſt. 209. *See infra*, c. 27 & 30. *See* 23 H. 6. c. 9 & 10. *for the Penalty on Sheriffs making wrongful Diſtreſs.* 1 Jac. 1. c. 10. *againſt Referees of a Court taking Money for their Report.* And 3 Geo. 1. c. 15. § 13. *for Penalty on Sheriffs taking Fees for levying the King's Debts.*

'AND that no Sheriff, nor other the King's Officer, take any Reward to do his Office, but ſhall be paid of that which they take of the King; and he that ſo doth, ſhall yield twice as much, and ſhall be puniſhed at the King's Pleaſure.'

ET qe null Viſcount, nautre Miniſtre le Roi, ne preigne lower pur faire ſon office, mes ſoient paie de ceo qil pernent del Roi; & qil le fra, rendra le double, & ſerra puny a la volunte le Roi.

Penalty on Officers of the Cuſtom *taking more than their Fees, or levying more than is due for Wages of Knights of Parliament.* 28 H. 6. c. 5. *for*

CAP. XXVII.

Clerks of Officers ſhall not commit Extortion.

'AND that no Clerk of any Juſticer, Eſcheator, or Enquiror, ſhall take any Thing for delivering Chapiters, but only Clerks of Juſtices in their Circuits, and that ii s. and no more, of every Wapentake, Hundred, or Town, that anſwereth by Twelve, or by Six, according as it hath been uſed of

ET qe nul Clerc de Juſtice, Deſchetour, ou Denquerour, nul rien ne preigne pur liverer chapitres, hors pris ſoulement clercs des Juſtices errauntz en lour Eire, & ceo ii. ſoulds, & nient plus, de cheſcun Wapentak, Hundred, ou Ville, qe reſpound per xii. ou per vi. ſelonc ceo qe auncienement

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cienement feuſt uſee; & qi autrement le fra, rendra le treble de ceo qil avera pris, & per dra le ſervice ſon ſeignur per un an.

'old Time; and he that doth contrary ſhall pay 'Thrice ſo much as he hath taken, and ſhall loſe the 'Service of his Maſter for one Year.'

2 Inſt. 210.

See 13 *Ed.* 1. *c.* 44. *for Puniſhment on Officers of the Courts taking more than their Fees. And ſee the References to the foregoing Chapter.*

CAP. XXVIII.

Clerks ſhall not commit Maintenance*.

ET qe nul Clerc le Roi, ne de ſes Juſtices, ne reſceive deſoremes preſentement deſgliſe, dount plei ou contek ſoit en la Court le Roi, ſaunz eſpecial congie le Roi; & ceo defend il ſur peine de perdre ſon ſervice: Et que nul Clerc de Juſtice, ne de Viſcont, ne mainteigne parties en quereles, nen buſoignes qe ſont en la Court le Roi ne fraude ne face, pur commune droiture delaier ou deſtourber; & ſi nul le fait, ill ſerra puny per la peine proſcheinement avaunt dite, ou per plus grevous, ſi le treſpaſs le requert.

'AND that none of the King's Clerks, nor of any 'Juſticer, from henceforth ſhall receive the Preſentment of any Church, for the which any Plea or 'Debate is in the King's Court, without ſpecial Licence of the King; and that the King forbiddeth, 'upon Pain to loſe the Church, and his Service: 'And that no Clerk of any Juſticer, or Sheriff, take 'Part in any Quarrels of Matters depending in the 'King's Court, nor ſhall work any Fraud, whereby 'common Right may be delayed or diſturbed; and if 'any ſo do, he ſhall be puniſhed by the Pain aforeſaid, 'or more grievouſly, if the Treſpaſs do ſo require.'

There ſhall be no Maintenance of any Matter pending in the King's Court.

Regiſt. 181, 182; Raſt. 11, 427, &c. *Enforced by* R. 2. c. 4. *which*

13 *Ed.* 1. *ſtat.* 1. *c.* 49. 28 Ed. 1 *ſtat.* 3. c. 11. 33 *Ed.* 1. *ſtat.* 2 & 3. 1 Ed. 3. ſtat. 2. c. 14. 4 Ed. 3. c. 11. 20 Ed. 3. c. 4. *and* 1 *provides Penalties againſt Maintenors. Add* 32 *H.* 8. *c.* 9. *againſt Bracery and buying of Titles, which farther enforces the Statutes againſt* *Maintenance.*

* *The Offences of Maintenance and Champerty are often confounded, and indiſcriminately uſed: but Champerty ſignifies a Bargain with the Plaintiff or Defendant in any Suit, to have Part of the Land, Debt, or other Thing on Suit, if the Party that undertakes it prevails therein. Maintenance is the unlawful upholding a Cauſe or Perſon, or the buying of pretended Rights to Lands, &c. Every Champerty, as Lord Coke obſerves, is Maintenance; but every Maintenance is not Champerty: For Champerty is but a Species of Maintenance, which is the Genus.*

CAP. XXIX.

The Penalty of a Serjeant or Pleader committing Deceit.

PUrveu eſt enſement, qe ſi nul ſerjaunt, Count [*Countre*] ou autre, face nule manere de deceite, ou de colluſion en la Court le Roi, ou conſente de faire la en deceite de la Court, & pur enginer la court, ou la partie, & de ceo ſoit atteint; lors eit la priſone dun an & dun jour, & mes ne ſoit oie en la Court a counter per nulluy. Et ſi ceo eſt autre que countour, per meſme la manere eit la priſone dun an & dun jour a tout le meins; & ſi le treſpas demaunde greivoure peine, ſoit a la volunte le Roi.

'IT is provided alſo, That if any Serjeant, Pleader, 'or other, do any Manner of Deceit or Colluſion 'in the King's Court, or conſent unto it, in Deceit of 'the Court, or to beguile the Court, or the Party, and 'thereof be attainted, he ſhall be impriſoned for a 'Year and a Day, and from thenceforth ſhall not be 'heard to plead in that Court for any Man; and if he 'be no Pleader, he ſhall be impriſoned in like Manner 'by the Space of a Year and a Day at leaſt; and if the 'Treſpaſs require greater Puniſhment, it ſhall be at 'the King's Pleaſure.'

2 Inſt. 212, 213.

Enforced and enlarged by 8 R. 2. c. 4. 10 H. 6. 288. Salk. 517.

c. 4. *and* 18 H. 6. c. 9. *which makes the* 10 *H.* 6. *c.* 4. *perpetual.* Raſt. 2. 11 Ed. 4. 3. b. Palmer

CAP. XXX.

Extortion by Juſtices Officers.

ET purce qe multz des gentz ſe pleinent qe les ſerjauntes, criours de fee, & les Mareſchalx des Juſtices en Eyre, & des autres Juſtices, pernent a tort deniers de ceux qi recoverent ſeiſine de terre, ou qui waihent [*gaignent*] lours querels, & de fine leve, & des jurours, viles, priſonns, & des autres attachez a plee de la corone, autrement qe faire ne deuſient, en multz des maneres; & de ceo qil y ad pluis graunt nombre deux qe aver ne deuſt, per quei le poeple eſt male ment greve; le Roi defende, qe ceſtes choſes ne ſoient faites deſoremes; & ſi nul ſerjeaunt de fee le face, loffice ſoit pris en la main le Roi; & ſi Mareſchals des Juſtices le facent, ſoient puniz grevement a la volunte le Roi; & a touz les pleintiffs, lun & lautre, rende le treble de ceo qil avera iſſi pris.

"AND foraſmuch as many complain themſelves "of Officers, Cryers of Fee, and the Marſhals "of Juſtices in Eyre, taking Money wrongfully of "ſuch as recover Seiſin of Land, or of them that ob"tain their Suits, and of Fines levied, and of Jurors, "Towns, Priſoners, and of others attached upon "Pleas of the Crown, otherwiſe than they ought to "do, in divers Manners; and foraſmuch as there is "a greater Number of them than there ought to be, "whereby the People are ſore grieved;" 'The King 'commandeth that ſuch Things be no more done 'from henceforth; and if any Officer of Fee doth 'it, his Office ſhall be taken into the King's Hand; 'and if any of the Juſtices Marſhals do it, they ſhall 'be grievouſly puniſhed at the King's Pleaſure; and 'as well the one as the other ſhall pay unto the Com'plainants the treble Value of that they have received 'in ſuch manner.'

11 Ed. 4. 3. b. 4 Inſt. 101.

See 13 *Ed.* 1. c. 44. *for Puniſhment on Officers of the Courts taking more than their Fees. And likewiſe the References to* c. 26.

CAP. XXXI.

The Penalty for taking exceſſive Toll in a City, &c. Murage granted to Cities.

2 Inſt. 219.

'TOuching them that take outrageous Toll, contrary to the common Cuſtom of the Ream, in Market-Towns; it is provided, That if any do ſo in the King's Town, which is let in Fee-farm, the King ſhall ſeiſe in his own Hand the Franchiſe of the Market; and if it be another's Town, and the ſame be done by the Lord of the Town, the King ſhall do in like manner; and if it be done by a Bailiff, without the Commandment of his Lord, he ſhall reſtore to the Plaintiff as much more for the outrageous taking, as he had of him, if he had carried away his Toll, and ſhall have forty Days Impriſonment. Touching Citizens and Burgeſſes, to whom the King or his Father hath granted Murage to encloſe their Towns, which take ſuch Murage otherwiſe than it was granted unto them, and thereof be attainted; it is provided, That they ſhall loſe their Grant for ever, and ſhall be grievouſly amerced unto the King.'

9 H. 3. *ſtat.* 1. c. 30.

See Weſtm. 2. 13 Ed. 1. *ſtat.* 1. c. 25. *which gives an Aſſize of Novel Diſſeiſin for Toll, &c.*

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DE ceux qe pernent outrageous tholun, encontre comune uſage del Roialme, en vile marchaunte; purveu eſt, qe ſi nul le face en la ville le Roi meſmes, qe ſoit a fee ferme, le Roi prendra la fraunchiſe del marche en ſa main; & ſi ceo eſt autri ville, & ſoit fait per le ſeignur de meſme la ville, le Roi fra per meſme la manere; & ſil ſoit fait per le Baillif ſaunz le comaundement le ſeignur, il rendra al pleintif a taunt pur loutrageouſe pris, come il vouſoit aver pris de luy, ſil euſt emporte ſon tholon, & oveſqe ceo il avera la priſone de quarant jours. De Citeins & de Burghes, a qi le Roi ou ſon pier ad graunte murage, pur lour ville encloſe, & qe cele murage pernent autrement qe lour eſt graunte, & de ceo ſoient atteintz; purveu eſt, qils perdent celle grace [*graunte*] de toute le temps qe ſerra a venir, & ſerront en la greve mercy le Roy.

CAP. XXXII.

The Penalty of Purveyors not paying for what they take. The King's Carriages.

Enforced and amended by 28 Ed. 1. *ſtat.* 3. c. 2.

'OF ſuch as take Victual or other Things to the King's Uſe upon Credence, or to the Garriſon of a Caſtle, or otherwiſe, and when they have received their Payment in the Exchequer or in the Wardrobe, or otherwhere, they with-hold it from the Creditors, to their great Damage, and Slander of the King, it is provided, for ſuch as have Lands or Tenements, That incontinent it ſhall be levied of their Lands, or of their Goods, and paid unto the Creditors, with the Damages they have ſuſtained, and ſhall make Fine for the Treſpaſs; and if they have no Lands nor Goods, they ſhall be impriſoned at the King's Will. And of ſuch as take Part of the King's Debts, or other Rewards of the King's Creditors for to make Payment of the ſame Debts; it is provided, That they ſhall pay the Double thereof, and be grievouſly puniſhed at the King's Pleaſure. And of ſuch as take Horſe or Carts for the King's Carriage more than need, and take Rewards to let ſuch Horſe or Carts go; it is provided, That if any of the Court ſo do, he ſhall be grievouſly puniſhed by the Marſhals; and if it be done out of the Court, or by one that is not of the Court, and be thereof attainted, he ſhall pay treble Damages, and ſhall remain in the King's Priſon forty Days.'

Taking of Horſes and Carts for the King. 21 R. 2. c. 5. *Enforced by* 28 H. 6. c. 2.

DE ceux qui pernent vitaille, ou null riens al oeps le Roi a creaunce, ou a garniſon del Chaſtel, ou aillours, & quant ils avont reſceu le paiement al Eſcheqer, ou en garderobe, ou aillours, detiegnent le paiement de creaunceours, a graunt damage de eux, & en eſclaundre de Roi; purveu eſt, de ceux quount terres & tenementz, qe meintenant ſoit leve ceo de lour terres, & de lour chateux, & paie as creaunceours, ove les damages qils averont eu, & ſoient reint pur le treſpas; & ſil neient terre, ne tenement, ſoient en la priſone a la volunte le Roi. De ceux qui partie de dette le Roi, ou autres lowers pernent de creaunceours le Roi, pur faire le paie de meſmes celes dettes; purveu eſt, qil rendent le double, & ſoient puniz grevement a la volunte le Roi. Et de ceux qi pernent chivaux, ou charettes, affaire le cariage le Roi, pluis qe mieſter ne ferroit, & pernent lowers pur releſſer les chivaux, ou les charettes; purveu eſt, qe ſi nul de la Court le face, ſi ſerra grevement chaſtie per les Mareſchals; & ſi ceo ſoit fait hors de la Courte, per homme de la Court, ou per autre, & il en ſoit atteint, ſi rendra le treble, & ſerra en la priſone le Roi quarant jours.

See 34 *Ed.* 3. *c.* 2. *Obſ. the* 12 *Car.* 2. *c.* 24. *taking away Purveyance. But ſee* 13 *Car.* 2. *ſtat. c.* 8. *and* 1 *Jac.* 2. *c.* 20. 13 & 14 *Car.* 2. *c.* 20. *ſuſpending the* 12 *Car.* 2. *in favour of the King's royal Progreſſes, and of his Navy and Ordnance, which Acts are all expired. See likewiſe the yearly Mutiny Acts.* 2 Inſt. 223.

CAP. XXXIII.

No Maintainers of Quarrels ſhall be ſuffered.

Co. 36.

'IT is provided, That no Sheriff ſhall ſuffer any Barreters or Maintainers of Quarrels in their Shires, neither Stewards of great Lords, nor other (unleſs he be Attorney for his Lord) to make Suit, nor to give Judgements in the Counties, nor to pro-

PUrveu eſt, qe nul Viſcont ne ſuffre barettour maintener paroles en Countees, ne ſeneſchalx de graunts ſeignors, ne dautres qi ne ſoit attourne ſon ſeignur, a ſeute faire, ou ſeuter defaire les Juſticementz des Countees, ne pronuncier les Juſti-

cementz,

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cementz, ſil ne ſoit eſpecialment prie & requis de ceo faire de touz les ſeutours, & les attournes des ſeutours, qi y ſerront a le journe; & ſi nul le face, le Roi ſe prendra grevouſement, & a viſcount, & a luy.

'nounce the Judgements, if he be not ſpecially required and prayed of all the Suitors, and Attornies of the Suitors, which ſhall be at the Court; and if any do, the King ſhall puniſh grievouſly both the Sheriff and him that doth.' 3 *Ed.* 1. *c.* 23. *Enforced by* 13 *Ed.* 1. *ſtat.* 1. *c.* 49. 28 *Ed.* 1. *ſtat.* 3. *c.* 11. 33 *Ed.* 1. *ſtat.* 3. 1 *Ed.* 3. *ſtat.* 2. *c.* 14. 4 *Ed.* 3. *c.* 11. 20 *Ed.* 3. *c.* 4. 1 *Rich.* 2. *c.* 4. 7. *And* 32 *H.* 8. *c.* 9. *inflicting Penalties on unlawful Maintenance.*

CAP. XXXIV.

None ſhall report ſlanderous News, whereby Diſcord may ariſe.

PUrceo qe pluſours ount ſovent trove en counte controveures, dont diſcorde ou manere de diſcord ad ad eſte ſovent entre le Roi & ſon people, ou aſcuns hautes hommes de ſon roialme; eſt defendu pur le damage qe ad eſte, & unqore en purreit avenir, que deſore en avant nul ne ſoit ſi hardy de dire, ne de counter nul faux novel, ou controveure, dount nul deſcorde, ou manere de diſcord, ou deſclandre, puiſſe ſurdre entre le Roi & ſon poeple, ou les autes hommes de ſon roialme; & qi le fra, ſoit pris & detenuz en priſone, jeſqes a taunt qil eit trove en Court celuy, dount le poeple [*la parole*] ſerra move.

"FOraſmuch as there have been oftentimes found in the Country Diviſors of Tales, whereby Diſcord, or Occaſion of Diſcord, hath many times ariſen between the King and his People, or great Men of this Realm;" 'For the Damage that hath and may thereof enſue, it is commanded, That from henceforth none be ſo hardy to tell or publiſh any falſe News or Tales, whereby Diſcord, or Occaſion of Diſcord or Slander may grow between the King and his People, or the great Men of the Realm; and he that doth ſo, ſhall be taken and kept in Priſon, until he hath brought him into the Court, which was the firſt Author of the Tale.' 1 Leon. 287. Dyer 155. 2 Inſt. 225. 12 Co. 138. 1 Roll. 444. 3 Bulſtr. 225. *Enforced by* 2 R. 2. ſtat. 1. c. 5. 12 R. 2. c. 11. *Confirmed and extended by* 1 & 2 Ph. & M. c. 3. *and* 1 El. c. 6.

CAP. XXXV.

The Penalty for arreſting within a Liberty thoſe that hold not thereof.

DES hautes hommes, & lour Baillifs, & des autres, horſpris les Miniſtres le Roi a qi eſpeciale auctorite eſt done de ceo faire, qi a la pleinte des aſcuns, ou per lour auctorite demeſne, attachent autres ou lour biens treſpaſſantz, per lour poair, a reſpoundre devant eux de contractz, covenantz, & de treſpaſs fait hors de lour poair & lour juriſdiction, la ou ils ne tenent rien deux, ne dedeinz la fraunchiſe eu lour poair eſt, en prejudice del Roi & de la Corone, & al damage del poeple; purveu eſt, qe nul deſoremes ne le face; & ſi aſcun le fait, il rendra a celui, qi per cele acheſon ſerra attache, ſon damage a double, & ſerra en le greve mercye le Roy.

"OF great Men and their Bailiffs, and other (the King's Officers only excepted, unto whom eſpecial Authority is given) which at the Complaint of ſome, or by their own Authority, attach others paſſing through their Juriſdiction with their Goods, compelling them to anſwer afore them upon Contracts, Covenants, and Treſpaſſes, done out of their Power and their Juriſdiction, where indeed they hold nothing of them, nor within the Franchiſe, where their Power is, in Prejudice of the King and his Crown, and to the Damage of the People; it is provided, That none from henceforth ſo do; and if any do, he ſhall pay to him, that by this Occaſion ſhall be attached, his Damages double, and ſhall be grievouſly amerced to the King.' 2 Inſt. 229. Lutw. 1026. F. N. B. 45. f.

CAP. XXXVI.

Aid to make the Son Knight, or to marry the Daughter.

PUrceo qe avant ces heures ne fuiſt unques revable [a] eide a faire fitz eigne Chivaler, ou a file marier, miſe au certein, ne quant ele devoit eſtre priſe, ne quele houre, per quei les uns leverent outrageouſe eide, & pluis toſt qe ne ſembleit miſtre, dont le poeple ſe ſent greve; purveu eſt, qe deſoremes de fee de Chivaler enter ſoulement ſoient donnez xx. s. & de xx. livers [*hidez*] de terre tenue per ſocage, xx. s. & de pluis, pluis; & de meins, meins, ſelonc lafferant: & qe nul ne puiſſe lever tiel eide afaire ſon fitz chivaler, tant come ſon fitz ſoit dage de xv. annz, ne ſa file marier, tant come ele ſoit de vii. annz; & de ceo ſerra fait mention en brief le Roi fourme ſur ceo quant lem voet demaunder; & ſil avint qe le pier, quaunt il avera leve tiel eide de ſes tenantz, moerge avaunt qil eit ſa fille marie, les executours le pier ſoient tenuz a la file, en taunt come le pier avera reſceu pur ceſt eide; & ſi les biens le pier ne ſuffiſent, ſon heir ſoit de ceo tenu a la fille. 13 Co. 27, 28, 29. 1 Roll 157, 165. Regiſt. 87. F. N. B. 82. B. 122. G. 2 Inſt. 231. *Enforced by* 25 Ed. 3. ſtat. 5. c. 11. *and become obſ. by* 12 Car. 2. c. 24. *which aboliſhes Knights Service.*

[a] Reaſonable, 2 *Inſt.*

CAP.

CAP. XXXVII.

The Penalty of a Man attainted of Diſſeiſin with Robbery in the King's Time.

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Fitz. Damages, 10. 14 H. 7. 15.

'IT is provided alſo and agreed, That if any Man be attainted of Diſſeiſin done in the Time of the King that now is, with Robbery of any Manner of Goods or Moveables, and be found againſt him, by Recogniſance of Aſſiſe of *Novel diſſeiſin*, the Judgement ſhall be ſuch; that the Plaintiff ſhall recover his Seiſin and his Damages, as well of the Goods and Moveables aforeſaid, as for the Freehold, and the Diſſeiſor ſhall make Fine, which, whether he be preſent or not (* ſo it be preſented) ſhall firſt be awarded to priſon. And in like Manner it ſhall be done of Diſſeiſin with Force and Arms, although there be no Robbery.'

* If he be preſent.

2 Inſt. 235.

PUrveu eſt & acorde enſement, qe ſi homme eſt atteint de diſſeiſine faite au temps le Roi qore eſt, ou roberie de nulle manere de chatel, ou de moveble per reconiſſaunce daſſiſe de novel diſſeiſine, le jugement ſoit tiel; qe le pleintif recovere ſa ſeiſine & ſes damages, auxibien del chatel & del moeble avantdites, come del eles [*des autres choſes des tenementz*] & le diſſeiſour ſoit rent, le quel qil ſoit preſent, ou non, iſſi qe ſi il ſoit preſent, primes ſoit agarde a la priſone: & per meſme la manere ſoit faite de diſſeiſine faite a force & armes, tout ne face lem roberie.

CAP. XXXVIII.

An Attaint ſhall be granted in Plea of Land touching Freehold.

2 Inſt. 237. 44 Ed. 3. 2. Regiſt. 122. Raſt. 84. *See* 14 *Ed.* 2. *c.* 2. *Enforced by* 1 Ed. 3. ſtat. 1. c. 6. 5 Ed. 3. c. 6 & 7. 28 Ed. 3. c. 8. c. 3. *for farther*

"FOraſmuch as certain People of this Realm doubt very little to make a falſe Oath (which they ought not to do) whereby much People are diſherited, and loſe their Right;" 'it is provided, That the King, of his Office, ſhall from henceforth grant Attaints upon Enqueſts in Plea of Land, or of Freehold, or of any Thing touching Freehold, when it ſhall ſeem to him neceſſary.'

PUrceo qe aſcuns gentz de la terre doutent meyns [*maveis*] faux ſerement qe faire ne deuſſent, per quei multz des gentz ſont deſheritez, & perdent lour droit; Purveu eſt, qe deſoremes le Roi, de ſon office, durra atteint ſur enqueſtes en plee de terre, ou de fraunchiſe, ou de choſe qe touche fraunk tenement, quaunt il lui ſemblera qe buſoigne ſoit.

34 Ed. 3. c. 7. *And ſee* 9 *Rich.* 2. *c.* 3. 11 *H.* 6. *c.* 4. 15 *H.* 6. *c.* 5. 18 *H.* 6. *c.* 2. 11 *H.* 7. *c.* 21 & 24. 19 *H.* 7. *c.* 3. *and* 23 *H.* 8. *Regulations of Attaints, which is made perpetual by* 13 *Ed.* 4. *c.* 25.

CAP. XXXIX.

Several Limitations of Preſcription in ſeveral Writs.

Co. Lit. 114, 115.

"AND foraſmuch as it is long Time paſſed ſince the Writs undernamed were limited;" 'it is provided, That in conveighing a Deſcent in a Writ of Right, none ſhall preſume to declare of the Seiſin of his Anceſtor further, or beyond the Time of King RICHARD, Uncle to King HENRY, Father to the King that now is; and that a Writ of *Novel diſſeiſin*, of Partition, which is called *Nuper obiit*, have their Limitation ſince the firſt Voyage of King HENRY, Father to the King that now is, into *Gaſcoin*. And that Writs of *Mortdanceſtor*, of Coſinage, of *Aiel*, of Entry, and of *Nativis*, have their Limitation from the Coronation of the ſame King HENRY, and not before. Nevertheleſs all Writs purchaſed now by themſelves, or to be purchaſed between this and the Feaſt of St. *John*, for one Year compleat, ſhall be pleaded from as long Time, as heretofore they have been uſed to be pleaded.'

20 H. 3. c. 8. *Altered by* 32 H. 8. c. 2. *and* 21 Jac. 1. c. 16.

ET purceo qe le temps eſt mult paſſe puis qe les briefs deſouznoſmez furent autrefoitz limitez; purveu eſt, qe en Count de deſcente al brief del droit, nul ne ſoit oie de demaunder la ſeiſine ſon aunceſtre de pluis long tiele ſeiſine, qe del temps le Roi RICHARD, Uncle le Roi HENRY, le pier le Roi qore eſt; & qe les briefs de novel diſſeiſine, & de purpartie, qeſt appelle nuper obiit, eient le terme puis le primer paſſage le Roi HENRY, pier le Roi qore eſt, en Gaſcoigne: & qe brief de mort de aunceſtre, de Coſinage, del aiel, & dentre, & brief de neyvte [*Neifte*] eient le terme del coronement meſme le Roi HENRY, & nemye avaunt: mes qe touz les briefs ore aper meſmes purchaſe, ou qe lem purchacera entre ycy & la ſeint Johan en un an, ſoient plede de temps qavant ſoleient eſtre pledez.

CAP. XL.

Voucher to Warranty, and Counter-pleading of Voucher.

2 Inſt. 239.

"FOraſmuch as many People are delayed of their Right by falſe vouching to Warranty;" 'it is provided, That in Writs of Poſſeſſion, firſt in Writ of *Mortdaunceſter*, of Coſinage, of *Aiel*, *Nuper obiit*, of Intruſion, and other like Writs, whereby Lands or Tenements are demanded, which ought to deſcend, revert, remain, or eſcheat by the Death of

PUrceo qe mults des gentz ſont delaiez de lour droit per fauſement voucher a garraunt; purveu eſt, en briefs de poſſeſſion tout a primes, come en briefs de mort daunceſtre, Coſinage, del aiel, nuper obiit, de intruſion, & autres briefs ſemblables, per les queux terrez ou tenementz ſoient demaundez, qe devient deſcendre, revertir, remayn-

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dre, ou eſchier per mort daunceſtre, ou dautre qe ſi le tenant vouche a garraunt, & le demaundaunt le countre plede, & voille averrir per aſſiſe, ou per pais, ou en autre manere, ſicome le Court le Roi agardera, qe le tenaunt, ou ſon aunceſtre qe heir il eſt, fuiſt le primer qi entra apres la mort cely de qi ſeiſine il demaunde; ſoit laverrement del demaundant reſcue, ſi le tenant le voille attendre; & ſi ceo non, ſoit bote outre a autre reſpounſe, ſil neit ſon garraunt en preſent, qe lui voille garauntier de ſon gree, & meintenant entre en reſpounſe; ſauve al demaundant ſes exceptiouns countre lui, ſil voille voucher outre, come il avoit avaunt, contre le primer tenant. Derechief en toute manere des briefs dentre, que ſount mentioun de degrees, qe nul deſoremes ne vouche hors de la lyne; & en autres briefs dentre, ou nul mention eſt fait de degrees, les queux briefs ne ſont ſuſtenuz fors la ou les avantditz briefs de degrees ne pount giſer, ne leu tenir: En brief du droit purveu eſt, qe ſi le tenant vouche a garant, & le demandant le voille contrepledir, & ſoit preſt de averir per pais, que celui qeſt vouche, eu ſes aunceſtres unqes naveient ſeiſine de la terre, ou del tenement demaunde, fee, ne ſerviſe per la main le tenant, ou de ſes aunceſtres, puis le temps a celui de qi ſeiſine le demaundant counte, jeſqes al temps qe le brief fuiſt purchace & le plee meu [*moeve*] per quoi il poet avoir le tenant, ou ſes aunceſtres, feffe; ſoit la verrement al demaundant reſceu, ſi le tenant le voille attendre; ſi ceo non, ſoit le tenant bote a autre reſpons, ſil neit ſon garrant enpreſent, qi voille garauntier de ſon gree, & maintenant entrer en reſpouns, ſauve al demaundant ſes exceptions a countre lui, ſicome il avoit avaunt encountre le primer tenant: & lavantdite exception eit lieu en brief de mort daunceſtre, & en autres briefs devant nomez, auxibien come en briefs qe touchent droit: & ſi le tenant per cas cit chartre de garauntie dautre homme de coſt, qe ceo ſoit oblige en nulle de les avantditz cas a la garauntie de ſon ein degree; ſauve lui ſoit ſon recoverir per brief de garauntie de chartre de la Chauncellerie le Roi, quaunt il le voudra purchacer; mes que le plee ne ſoit pur ceo delaie.

‘ any Anceſtor, or otherwiſe, if the Tenant vouch to Warranty, and the Demandant counterpleadeth him, and will aver by Aſſiſe, or by the Country, or otherwiſe, as the Court will award, That the Tenant, or his Anceſtor, (whoſe Heir he is) was the firſt that entred after the Death of him, of whoſe Seiſin he demandeth; the Averment of the Demandant ſhall be received, if the Tenant will abide thereupon; and if not, he ſhall be further compelled to another anſwer, if he have not his Warrantor preſent, that will warrant him freely, and incontinent enter into the Warranty; ſaving unto the Demandant his Exceptions againſt him, if he will vouch further, as he had before againſt the firſt Tenant. From henceforth in all Manner of Writs of Entry, which make mention of Degrees, none ſhall vouch out of the Line: or in other Writs of Entry, where no mention is made of Degrees; which Writ ſhall not be maintained, but in Caſes where the other Writs of Degrees cannot lie, nor hold Place: and in a Writ of Right it is provided, That if the Tenant vouch to Warranty, and the Demandant will counter-plead him, and be ready to aver by the Country, that he that is vouched to Warranty, nor his Anceſtors, had never Seiſin of the Land or Tenement demanded, nor Fee or Service by the Hands of his Tenant, or his Anceſtors, ſince the Time of him, on whoſe Seiſin the Demandant declareth, until the Time that the Writ was purchaſed, and the Plea moved, whereby he might have infeoffed the Tenant, or his Anceſtors, then let the Averment of the Demandant be received, if the Tenant will abide thereupon; if not, the Tenant ſhall be further compelled unto another Anſwer, if he be not preſent that will warrant him freely, and incontinent enter in Anſwer, ſaving unto the Demandant his Exceptions againſt him, as he had afore againſt the firſt Tenant, and the ſaid Exception ſhall have Place in a Writ of *Mortdaunceſtor*, and in the other Writs before named, as well as in Writs that concern Right. And if percaſe the Tenant have a Deed, that compriſeth Warranty of another Man, which is bound in none of theſe Caſes before mentioned to the Warranty of an elder Degree; his Recovery, by a Writ of Warranty of Charters out of the King's Chancery, ſhall be ſaved to him at what Time ſoever he will purchaſe it; howbeit the Plea ſhall not be delayed therefore.’

Bro. Parl. 34. Fitz. Counterplea de Voucher, 78, 81, 82, 83, 89, 96, 98 100.

Where in Writs of Entry no Voucher out of the Line ſhall be. Hob. 22.

Counterpleading to a Voucher in Writ of Right.

Fitz. Counterplea, &c. 3, 4, 5, 7, 8, 9, 10, 17, 18, 20, 23, 24, 27, 29, 30, 40, 41, 42, 44, 48, 49, 58, 59, 60, 63, 65, 85, 88, 94, 1 4, 126.

See 20 *Ed.* 1. *ſtat.* 1. *of Vouchers. Averment of Demandant ſhall be admitted, whether Party vouched be abſent or preſent. And* 14 *Ed.* 3. *ſtat.* 1. *c.* 18. *where Averment ſhall be received that Vouchee is dead, &c.*

Fitz. Execut. 122.

Fitz. Gar. de Charters, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 19, 20, 21, 22, 26, 28, 29, 30, 31.

CAP. XLI.

The Champion's Oath in a Writ of Right.

DE ſerement as Champions eſt purveu, pur ceo que rerement avent qe le Champion al demandant ne ſoit perjurs en ceo qil jure, qil ou ſon aunceſtre, qe ſon pier [*viſt la ſeiſine ſeignour, ou de ſon aunceſtre, & ſon pier*] lui comanda faire le darrein; qe mes ne ſoit le Champion al demaundant deſtreint a ceo jurere; mes ſoit le ſerement garde en touz les autres pointz.

‘ TOuching the Oaths of Champions, it is thus provided, becauſe it ſeldom happened but that the Champion of the Defendant is forſworn, in that he ſweareth, that he or his Father ſaw the Seiſine of his Lord, or his Anceſtor, and that his Father commanded him to dereign that Right; that from henceforth the Champions of the Demandant ſhall not be compelled ſo to ſwear: Nevertheleſs his Oath ſhall be kept in all other Points.’

2 Inſt. 246.

CAP.

CAP. XLII.

Certain Actions wherein after Appearance the Tenant ſhall not be eſſoined.

Fitz. Eſſoin, 52, 55, 56, 63, 64. 52 *H.* 3. *c.* 13. & 20.

" FOraſmuch as in a Writ of *Aſſiſe*, *Attaints*, and *Juris utrum*, the Jurors been often troubled by reaſon of the Eſſoins of Tenants;" 'it is provided, 'That after the Tenant hath once appeared in the 'Court, he ſhall be no more eſſoined, but ſhall make 'his Attorney to ſue for him, if he will; and if not, 'the Aſſiſe or Jury ſhall be taken through his Default.'

See 13 Ed. 1. ſtat. 1. c. 27. & 28. *which takes Eſſoin from emandan tsalſo.*

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PUrceo qen briefs daſſiſes, & datteintz, & jures de utrum, les [*jurours*] ſont ſovent travailles per eſſoines de tenaunts; purveu que del houre qe il eit un foitz pparu en Courte, qe mes ne ſe puiſſe eſſoigner, mes face attourne a ſuir pour lui, ſil voille; & ſi ceo noun, ſoit laſſiſe ou la juree pris pur ſa defaute.

2 Inſt. 248. *For farther Regulations, ſee Index, tit.* Eſſoin.

CAP. XLIII.

There ſhall be no Fourcher by Eſſoin.

Hob. 8. 46. Fitz. Eſſoin, 82, 119. Fitz. Foucher, 3, 4, 10, 13, 14. Bro. Foucher, 20.

" FOraſmuch as Demandants be oftentimes delayed of their Right, by reaſon that many Parceners be Tenants, of which none may be compelled " to anſwer without the other, or there may be many " jointly infeoffed (where none knoweth his ſeveral) " and ſuch Tenants oftentimes fourch by Eſſoin, " ſo that every of them hath a ſeveral Eſſoin;" 'it 'is provided, that from henceforth ſuch Tenants ſhall 'not have Eſſoin, but at one Day, no more than one 'ſole Tenant ſhould have; ſo that from henceforth 'they ſhall no more fourch, but only ſhall have one 'Eſſoin.'

PUrceo qe les demaundantz ſont ſovent delaiez de lour droit, pur ceo qil ad pluſours parceners tenantz, dont nul ne poet reſpoundre ſaunz autre, ou qil y ad pluſours parceners tenantz jointement feffez, ou nul ne ſoet non ſeveral, & ceux tenantz ſovent forchen per eſſoigne, iſſi qe cheſcun eit une eſſoine; purveu eſt qe deſoremes, que yceux tenantz neient eſſoigne forſqe a une journe, & nient pluis qe un ſoul tenant navereit; iſſint qe mes ne puiſſent furchier, taunt ſoulement avoer un eſſoigne.

2 Inſt. 250. *Confirmed by* 6 Ed. 1. ſtat. 1. c. 10. *and extended to where a Man and his Wife are impleaded.*

CAP. XLIV.

In what Caſe Eſſoin *ultra mare* ſhall not be allowed.

2 Inſt. 151.

" FOraſmuch as divers Perſons cauſe themſelves " falſly to be eſſoined (for being over the Sea) " where indeed they were within the Realm the Day " of the Summons;" 'it is provided from henceforth, 'That this Eſſoin be not always allowed, if the De'mandant will challenge it, and will be ready to aver 'that he was in *England* the Day of Summons and 'three Weeks after; but ſhall be adjourned in this 'Form: That if the Demandant be ready at a certain 'Day, by Averment of the Country, or otherwiſe as 'the Court ſhall award, to prove that the Tenant was 'within the four Seas the Day that he was ſummoned, 'and three Weeks after, ſo that he might be reaſon'ably warned by the Summons, the Eſſoin ſhall be 'turned into a Default; and that is to be underſtanden 'only before Juſtices.'

See Reference to foregoing Chapters.

PUrceo qe mults des gentz ſe font faluſement eſſoigner de outre meer, la ou ils furent en Engleterre le jour de la ſomons; purveu eſt, qe deſoremes cel eſſoigne ne ſoit pas del tout allowe, ſi le demaundant le chalenge, & preſt ſoit daverrir, qil fuiſt en Engleterre le jour qe la ſomons fu fait, & trois ſemaignes apres; mes ſoit ajourne en ceſt fourme: qe ſi le demaundant a cele jour ſiwe [*purſue*] la verement per pais, ou ſicome le Court le Roi agardera, & ſoit atteint qe la tenant fuiſt dedeinz iv mers le jour qil fuiſt ſomon, & iii ſemaignes apres, iſſi qil poteſt eſtre reſonablement garny de la ſomons, ſoit leſſoigne tourne en en defaut; & ceo fait entendre taunt ſoulement devant juſtices.

CAP. XLV.

In what Caſes the great Diſtreſs ſhall be awarded. Where the Juſtices Eſtreats ſhall be delivered.

2 Inſt. 254.

'COncerning Delays in all Manner of Writs and 'Attachments, it is thus provided, That if the 'Tenant or Defendant, after the firſt Attachments 'returned, make Default, that incontinent the great 'Diſtreſs ſhall be awarded; and if the Sheriff do not 'make ſufficient Return by a certain Day, he ſhall 'be grievouſly amerced; and if he return, that he 'hath done Execution in due Manner, and the Iſſues 'delivered to the Sureties, then the Sheriff ſhall be

DE delaies en touts manere de briefs, & de attache mentz, eſt purveu, qe ſi le tenant ou le defendant, apres lattachement teſmoigne, face defaute, que meintenant ſoit la graunt deſtreſſe agarde; & ſi le Viſcounte ne reſpoigne ſuffiſantment al jour, ſoit grevouſement amercie; & ſil maunde qil ad fait lexecution en due manere, & les iſſues baillez a meinpernours, adonqes ſoit maunde al Viſcount, qal autre jour face venir les iſſues devant

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vant Juſtices; & ſi lattache vient a cele jour fauver ſes defautes, eit les iſſues; & ſil ne vient, eit le Roi les iſſues; & Juſtices le Roi le facent liverer en Garderobe; Juſtices du Baunk a Weſtm' les facent liverer al Eſcheqer; Juſtices en Eire al Viſcount de cele Counte, ou il pledent, auxibien come des foreins Countees, & de ceo ſoit charge en ſomons per roulle des Juſtices.

'commanded, that he return Iſſues at another Day 'before the Juſtices; and if the Party being attached 'come in at his Day to ſave his Defaults, he ſhall 'have the Iſſues; and if he come not, the King 'ſhall have them; and the King's Juſtices ſhall cauſe 'them to be delivered in the Wardrobe; and the 'Juſtices of the Bench at *Weſtminſter* ſhall deliver 'them in the Exchequer; and the Juſtices in Eyre 'unto the Sheriff of that Shire where they plead, as well 'of that Shire, as of Foreign Shires, and ſhall be charged 'therewith in Summons by the Rolls of Juſtices.'

CAP. XLVI.

One Plea ſhall be decided by the Juſtices before another commenced.

PUrveu eſt enſement, & per le Roi comaunde, que les Juſtices al Baunk le Roi & Juſtices de Baunk a Weſtm' deſoremes perpledent les plees aterminez a un jour, en ceo que rien ſoit arraine, ou comence des plees del jour enſuant, hors pris qe les eſſoignes ſoient entres, juggez, & renduz; & per acheſon de ceo nul homme ſe affie, qil en vienge a ſon jour, qe done lui eſt.

'IT is provided alſo, and commanded by the King, 'That the Juſtices of the King's Bench, and of 'the Bench at *Weſtminſter*, from henceforth ſhall decide 'all Pleas determinable at One Day, before any Matter 'be arrainged, or Plea commenced the Day following, 'ſaving that their Eſſoins ſhall be entered, judged, 'and allowed; yet, by Reaſon hereof, let none pre'ſume to abſent himſelf at the Day to him limited.' 2 Inſt. 255.

CAP. XLVII.

In what caſe the Nonage of the Heir of the Diſſeiſor or Diſſeiſee ſhall not prejudice.

PUrveu eſt enſement, qe ſi nul homme deſoremes purchace briefs de novel diſſeiſine, & celui, ſur qi le brief vient come principal diſſeiſour, morge avant que laſſiſe eſt paſſe, qe le pleintif eit ſon brief dentre foundu ſur deſſeiſine ſur le heir, ou ſur les heires a le diſſeiſour lour aunceſtre, ou ſur lour heires, de quele age qils ſoient. [*En meſme le manere eit le heir, ou les heirs al diſſeiſi, lours briefs dentre ſur les diſſeiſours lour aunceſtres, ou ſur lur heires de quele age qils ſoient,*] ſi per aventure le deſſeiſi morge avant qil eit ſon perchace faite; iſſi qe per le nonnage des heirs dun part & dautre ne ſoit le brief abatu, ne le plee delaie; mes a quaunt qe lem poet ſaunz lei offendre, ſoit haſte pur la freſche ſeute apres la diſſeiſine. En meſme la manere ſoit ce point garde en droit des Prelates, gentz de religion, & autres, a queux terre ou tenement en nulle manere puis devenir apres autri mort, le quel qil ſoient diſſeiſes, ou diſſeiſours. Et ſi les parties empledant deſcendant en enqueſte, & ele paſſe countre le heir dedeinz age, & nomement encountre le heire al deſſeiſe, qil en ce cas eit lateinte de la grace le Roi.

'IT is provided alſo, That if any from henceforth purchaſe a Writ of *Novel diſſeiſin*, and he againſt 'whom the Writ was brought as principal Diſſeiſor, 'dieth before the Aſſiſe be paſſed, then the Plaintiff 'ſhall have his Writ of Entrie upon Diſſeiſin againſt 'the Heir or Heirs of the Diſſeiſor, their Anceſtor, or 'againſt their Heirs, of what Age ſoever they be. In 'the ſame wiſe the Heir or Heirs of the Diſſeiſee ſhall 'have their Writs of Entrie againſt the Diſſeiſors, 'their Anceſtors, or their Heirs, of what Age ſoever 'they be, if peradventure the Diſſeiſee die before that 'he hath purchaſed his Writ; ſo that for the Nonage 'of the Heirs of the one Party, nor of the other, the 'Writ ſhall not be abated, nor the Plea delayed; but 'as much as a Man can without offending the Law, 'it muſt be haſted to make freſh Suit after the Diſſeiſin. And in like Manner this ſhall be obſerved in 'all Points for the Right of Prelates, Men of Religion, 'and other, to whom Lands and Tenements can in no 'wiſe deſcend, may in no wiſe come after others 'Death, whether they be Diſſeiſees or Diſſeiſors. And 'if the Parties in Pleading come to an Inqueſt, and it 'paſſeth againſt the Heir within Age, and namely, 'againſt the Heir of the Diſſeiſee, that in ſuch Caſe he 'ſhall have an Attaint of the King's ſpecial Grace.' Dyer 157. 6 Co. 4. 17 Ed. 3. 16. 12 Ed. 4. 17. 8 Ed. 3. 71. 21 Ed. 3. 27. 27 H. 6. 1. Fitz. Age, 71. 3 Bulſtr. 137. Regiſt. 229, 230. *See* 13 Ed. 1. ſtat. 1. c. 15. *giving Right to Infants eloined to ſue by* Prochein Amy.

CAP. XLVIII.

The Remedy where a Guardian maketh a Feoffment of his Ward's Land. Suit by *Prochein Amy*.

SI gardein, chief ſeignur, feffe nul homme de la terre qeſt del heritage a lenfaunt qeſt dedeinz age, & eux [*en*] ſa gard, a la diſheritiſon del heir, purveu eſt, qe le heir maintenant eit ſon recoverir per brief de novel deſſeiſine vers ſon gardein, & vers le tenaunt; & ſoit la ſeiſine baille per Juſtices, ſi ele ſoit recovere, al proſchein amy, a qi le-

'IF a Guardian or chief Lord, infeoff any Man of 'Land, that is the Inheritance of a Child within 'Age, and in his Ward, to the Diſheritance of the 'Heir; it is provided, That the Heir ſhall forthwith 'have his Recovery by Aſſiſe of *Novel diſſeiſin* againſt 'his Guardian, and againſt the Tenant; and the Sei'ſin ſhall be delivered by the Juſtices (if it be re- Fitz. Aſſiſe, 105. Bro. Aſſiſe, 491.

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'covered) to the next Friend of the Heir (to whom the Inheritance cannot descend) for to improve to the Use of the Heir, and to answer for the Issues unto the Heir, when he shall come unto his full Age; and the Guardian, during his Life, shall lose the Custody of the Thing recovered, and all the Inheritance that he holdeth by Reason of the Heir; and if another Guardian than the Chief Lord do it, he shall lose the Wardship of all together, and be grievously punished by the King. And if the Infant be carried away, or disturbed by the Guardian, or by the Feoffee, or by other, by Reason whereof he cannot sue his Assise, then may One of his next Friends (that will) sue for him, which shall be thereto admitted.'

ritage ne purra descendre, pur prover al oeps lenfaunt, & a respoundre des issues al heir, come il vendra, a son age; Et le gardein perde a toute sa vie la garde de mesme la chose recovere, & de tout le remenant del heritage, qil tient en noun del heir: & si autre gardein que chief seignur le face, perde la garde de tout ce chose a celle foitz, & soit en greve peine denvers le Roi. Et si lenfaunt soit aloingne ou destourbe per le gardein, ou per le feffe, ou per autre, per quoi il ne quisse sa assise suire, seue pur lui un de ses proscheins amys, qe voudra, & soit a ceo resceu.

2 Ed. 3. 16. 8 Ass. pla. 22. 27 H. 8. 1. 40 Ed. 3. 16. *See* 13 Ed. 1. stat. 1. c. 15. *giving Right to Infants to sue by Prochein Amy.* Rast. 366, 367.

Obs. The 12 *Car.* 2. c. 24. *having taken away Wardship by reason of Tenure.* 2 Inst. 259.

CAP. XLIX.

The Tenants Plea in a Writ of Dower.

'IN a Writ of Dower, called *Unde nihil habet*, the Writ shall not abate by the Exception of the Tenant, because she hath received her Dower of another Man before her Writ purchased, unless he can shew that she hath received Part of her Dower of himself, and in the same Town, before the Writ purchased.'

EN brief de Dowerie, doun dame rien nad, mes ne soit le brief abatu per exceptioun del tenant, purceo qele avera resceu sa dowerie dautre homme avaunt son brief purchace, sil ne puisse monstrer qele eit resceu partie de dowerie de lui mesmes, & en mesme la ville avant son brief purchace.

2 Inst. 261. Regist. 170, 171. Fitz. Voucher, 196. Fitz. Dower, 75, 76, 86, 89, 114. Kel. 128. *See* 13 *Ed.* 1. *c.* 4. *where Wife is endowable of Land recovered against the Husband by Covin, &c. See also* 4 & 5 *W. & M. c.* 16. *for securing Dower to Widow of Mortgagor.*

CAP. L.

"AND forasmuch as the King hath ordained these "Things unto the Honour of God and Holy "Church, and for the Commonwealth, and for the "Remedy of such as be grieved," 'he would not that 'at any other Time it should turn in Prejudice of 'himself, or of his Crown; but that such Right, as 'appertains to him, should be saved in all Points.'

ET purceo que le Roi fait cestes choses al honeure de Dieu & de seinte eglise, & pur la comune pru & pur allegiance de ceux qi grevez sount, il ne voet mie quatre foitz puissent tourner a prejudice de lui ne de sa corone; mes qe les droitz, qa lui apperteinent, lui soient sauvez en touz pointes.

CAP. LI.

Assises and *Darrain Presentments* at what Time taken.

2 Inst. 264. "AND forasmuch as it is great Charity to do Right "unto all Men at all Times (when Need shall "be,)" 'by the Assent of all the Prelates it was pro-'vided, That Assises of *Novel disseisin*, *Mortdaunceſtor*, 'and *Darrain Presentment*, should be taken in *Advent*, '*Septuagesima*, and *Lent*, even as well as Enquests 'may be taken, and that at the special Request of the 'King, made unto the Bishops.'

ET purceo que graunt charite seroit de faire droit a touz en tout temps miester serroit, qe per assentement des prelatz, assises de novelle disseisine, de mortdaunceſtre, & de darrein presentement fuses prises en le advent, & en septuagesime, & en quaresme, auxibien come lem fait les enqueſtes, & ceo prie le Roi as evesqes.

A Statute intituled Extenta Manerii, *made* 4 EDW. I. *Stat.* I. *and* Anno Dom. 1276.

Expressing a Survey of the Buildings, Lands, Commons, Parks, Woods, Tenants, &c.

Cotton *MS. Claudius*, D. 2.

The Buildings. 'FIRST, It is to be inquired of the Castles, and 'also of other Buildings compassed about with 'Ditches, what the Walls, Buildings, Timber, 'Stone, Lead, and other Manner of Covering, is 'worth, and how they may be prized according to the

IMPRIMIS Inquirendum est de castris, and aliis edificiis fossatis circumdatis, & quantum muri, & edificia lignea, & lapidea, plumbo vel alio modo cooperta valeant, & pro quanto poterunt appreciari, secundum verum valorem eorundem murorum

Cotton *MS.*

murorum & edificiorum & pro quanto edificia extra foſſatum poterunt appreciari, & quantum valeant, una cum gardinis, columbariis, & omnibus aliis exitibus Curie per annum.

Item inquirendum eſt, quot campi ſunt in dominico, & quantum quelibet acra per ſe valeat ad locandum per annum; Item inquirendum eſt, quot acre prati ſunt in dominico, & quot ſunt in campo, & quantum valet quelibet acra ad locandum per ſe per annum, & ad cujuſmodi beſtias & animalia paſtura illa fuerit magis neceſſaria, & quot & quales poſſet ſuſtinere, & quantum valet paſtura cujuſlibet beſtie & animalis per ſe per annum ad locandum.

Item inquirendum eſt de paſtura forinſeca, que eſt communis, & quot & quales beſtias, & quot animalia & que dominus habere poſſit in eadem, & quantum valet paſtura cujuſlibet beſtie & animalis per ſe per annum ad locandum.

Item inquirendum eſt de parcis & dominicis boſcis, que dominus ad voluntatem ſuum poſſit aſſartare & excolere, & quot acras in ſe contineant & pro quanto veſtura cujuſlibet acre poterit appreciari [*appruari*;] & quantum in ſe contineant & valeant, quando proſtrati fuerint, & quantum valet quelibet acra per ſe per annum.

Item inquirendum eſt de boſcis forinſecis, ubi alii communicant, quid de eiſdem boſcis dominus ſibi poſſit approvare, & de quot acris, & pro quanto veſtura cujuſlibet acre communiter poſſit appreciari, & quantum fundus valet quando proſtratus fuerit. Item inquirendum eſt, utrum dominus de reſiduo boſcorum predictorum forinſecorum dare poſſit, & quantum valeant hujuſmodi donaciones & vendiciones per annum.

Item inquirendum eſt de pannagio & herbagio, melle, oleribus, & omnibus aliis exitibus vivariorum, mariſcorum, morarum, bruerarum, turbariarum, & vaſtorum, quantum valeant per annum.

Item de molendinis, piſcariis ſeparalibus & communibus, quantum valeant per annum.

Item de liberis tenentibus quibuſcunque forinſecis vel extrinſecis [*intrinſecis*] inquirendum eſt, & quot ſunt libere tenentes, & qui, & quas terras, & que tenementa, & que feoda teneant, & per quod ſervicium, utrum videl. per ſocagium, vel per ſervicium militare, vel alio modo, & quantum valeant & reddant per annum de redditu aſſiſe; & qui tenent per cartam, & qui non; & qui tenent per antiquam tenuram, & qui per novum feoffamentum. Item inquirendum eſt de predictis libere tenentibus, & qui ſequuntur Curiam a Comitatu in Comitatum, & qui non, & quantum & quid accidit domino poſt mortem talium libere tenentium.

Item inquirendum eſt de cuſtumariis, quot ſunt cuſtumarii, & quantum terre quilibet cuſtumarius teneat, & que opera, & quas conſuetudines faciant; & quantum valeant opera & conſuetudines cujuſlibet cuſtumarii per ſe per annum, [*ad locandum, et quantum reddant de redditu aſſiſe*] preter opera & conſuetudines, & qui poſſint talliari ad voluntatem domini, & qui non.

'very Value of the ſame Walls and Buildings; and
'for how much the Buildings without the Ditch may be prized, and what they be worth, with the Gardens, Curtilages, Dove-houſes, and all other Iſſues of the Court by the Year. 1 Roll. 201. 2 Roll. 31.

'II. It is be inquired alſo, how many Fields are of the Demeſnes, * *and how many Acres of Land are in every Field*, and what every Acre is worth by the Year to let; and how many Acres of Meadow are of the Demeſnes, and how many be in a Field, and how much every Acre by itſelf is worth by the Year to be let; *alſo how many Acres of Paſture there be*, and for what Beaſts or Cattle the ſame Paſture is moſt neceſſary, and how many it will find, and of what Manner, and what the Paſture of every Beaſt is worth to be let by the Year. The Demeſnes. * *Theſe Words are not in the Original, which ſeems imperfect.*

'III. Alſo it is to be inquired of foreign Paſture, that is Common, how many and what Beaſts and Cattle the Lord may have in the ſame, and how much the Paſture of every Beaſt is worth by the Year to be let. The foreign Paſture.

'IV. Alſo it is to be inquired of Parks, and demeſn Woods, which the Lord may aſſart and improve at his Pleaſure, and how many Acres they contain, and how much the Veſture of an Acre is worth; and how much the Land is worth after the Wood is felled, and how many Acres it containeth, and how much every Acre is by the Year. The Parks and demeſn Woods.

'V. Alſo it is to be inquired of foreign Woods, where other Men have Common, and how much the Lord may improve to himſelf of the ſame Woods; and how many Acres, and for how much the Veſture of every Acre may be valued at, and how much the Ground is worth yearly after that the Wood is felled, ¶ *and how many Acres it containeth, and what every Acre is worth by the Year.* And it is to be inquired, whether the Lord may give or ſell any Thing of the Reſidue of the foreſaid Woods, and what ſuch Gifts, and Sales are worth by the Year. Foreign Woods. ¶ *Theſe Words not in the Original.*

'VI. Alſo it is to be inquired of Pawnage, Herbage of the Town, Honey, and all other Profits of Foreſts, Woods, Rivers, Moors, Mariſhes, Heaths, Turbary, and Waſte, and how much it is worth by the Year. Pawnage, Herbage.

'VII. Alſo of Mills, Fiſhings ſeveral and common, what they be worth by the Year. Mills, Fiſhings.

'VIII. Alſo it is to be inquired of Freeholders, the which dwell without, as well as within, that is to ſay, how many Freeholders there be, and who they be, and what Manner Lands and Tenements, and what Fees they hold, and by what Services, whether it be by Socage, or Knight's Service, or otherwiſe, and what they are worth, and pay yearly of Rent of Aſſiſe, and who hold by Charter, and who not; and who by old Tenure, and who by new Feoffment. Alſo it is to be inquired of the ſaid Free Tenants, which do follow the Court from County to County, and which not, and what and how much falleth to the Lord after the Death of ſuch free Tenants. Freeholders.

'IX. It is to be inquired alſo of cuſtomary Tenants, that is to wit, how many there be, and how much Land every of them holdeth; what Works and Cuſtoms he doth, and what the Works and Cuſtoms of every Tenant be worth yearly, and how much Rent of Aſſiſe he paid yearly beſides the Works and Cuſtoms, and which of them may be taxed at the Will of the Lord, and which not. Cuſtomary Tenants. 4 Co. 21.

Cottages and Curtelages.

'X. It is alſo to be inquired of Cottagers, that is to 'ſay, what Cottages and Curtelages they hold, and by 'what Service, and how much they do pay by the 'Year for all their Cottages and Curtelages.

Perquiſites of Courts.

'XI. It is alſo to be inquired of Pleas and Perqui- 'ſites of the Counties, of the Courts of the Foreſts, 'with Lawing of Dogs, and how much they be worth 'by the Year in all Iſſues.

Patronages. Co. lit. 374. b.

'XII. It is alſo to be inquired of Churches that 'belong to the Lords Gift, how many there be, and 'what, and where, and how much every Church is 'worth by the Year, after the true Eſtimation of the 'ſame.

Liberties, Cuſtoms and Services.

'XIII. It is alſo to be inquired, what be the Value 'of Herriots, Fairs, Markets, Eſcheats, Cuſtoms, 'Services, and foreign Works and Cuſtoms, and what 'the Pleas and Perquiſites of Courts, Fines, and Re- 'liefs, and all other Caſualties are worth by the Year, 'that may fall in any of theſe Things.'

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Item inquirendum eſt de coterellis, qui cotagia & curtilagia teneant, & per quod ſervicium, & quantum reddant per annum pro predictis cotagiis & curtilagiis.

Item inquirendum eſt de placitis & perquiſitis comitatuum, & curiarum foreſtarum, cum expeditacione canum, & quantum valeant per annum in omnibus exitibus.

Item inquirendum eſt de eccleſiis que pertinent ad donacionem domini, quot & que ſunt, & ubi, & quantum valent, & quantum quelibet eccleſia valet per annum per ſe, ſecundum verum valorem illius.

Item inquirendum eſt, quid valeant herrietta, nundine, mercheta, conſuetudines & ſervicia, operaciones, conſuetudines forinſece, & quantum valeant placita & perquiſita, fines & relevia, & omnia alia caſualia, que accidere poſſunt per annum.

A Statute De Officio Coronatoris, *made* Anno 4 EDW. I. *Stat.* 2. *and* Anno Dom. 1276.

Of what Things a Coroner ſhall inquire.

4 *H.* 3. *c.* 17. 3 *Ed.* 1. *c.* 10. Murther.

'A Coroner of our Lord the King ought to in- 'quire of theſe Things, firſt, when Coroners 'are commanded by the King's Bailiffs, or 'by honeſt Men of the Country, they ſhall go to the 'Places where any be ſlain, or ſuddenly dead or 'wounded, or where Houſes are broken, or where 'Treaſure is ſaid to be found, and ſhall forthwith 'command four of the next Towns, or five or ſix, 'to appear before him in ſuch a Place; and when

Inquiry of the Offenders.

'they are come thither, the Coroner upon the Oath 'of them ſhall inquire in this manner, that is to wit,

A Man found ſlain.

'If it concerns a Man ſlain, whether they know 'where the Perſon was ſlain, whether it were in any 'Houſe, Field, Bed, Tavern, or Company, and if 'any, and who were there: Likewiſe it is to be in- 'quired, who were, and in what manner culpable, 'either of the Act, or of the Force, and who were pre- 'ſent, either Men or Women, and of what Age ſo- 'ever they be (if they can ſpeak, or have any Diſcre- 'tion;) and how many ſoever be found culpable by In- 'quiſition in any of the Manners aforeſaid, they ſhall 'be taken and delivered to the Sheriff, and ſhall be 'committed to the Gaol; and ſuch as be founden, and 'be not culpable, ſhall be attached until the coming 'of the Juſtices, and their Names ſhall be written 'in the Rolls of the Coroners. If it fortune any 'ſuch Man be ſlain in the Fields or Woods, and 'be there found, firſt it is to be inquired, whe- 'ther he were ſlain there or not; and if he were 'brought and laid there, they ſhall do ſo much as 'they can to follow their ſteps that brought the 'Body thither, or of the Horſe which brought him, 'or Cart, if perchance he was brought upon a Horſe 'or Cart: It ſhall be inquired alſo if the dead Per-

The Murderer found culpable.

'ſon were known, or elſe a Stranger, and where he 'lay the Night before; and if there be any who are 'ſaid to be guilty of the Murder, the Coroner ſhall 'immediately go unto their Houſe, and ſhall inquire 'what Goods they have, and what Corn they have 'in their Graunge, and if they be Freemen, they ſhall

Cotton *MS. Veſpaſ.* B. 7.

HEC ſunt inquirenda a coronatoribus domini regis: In primis, quum coronatores habent mandatum a ballivis domini regis, vel a probis hominibus patrie, quod accedant ad occiſos, vel ad ſubito mortuos, vel ablatos, [*ad vulneratos*] vel domorum fractores, vel ad locum ubi dicitur theſaurum eſſe inventum, ſtatim accedant; & ſtatim debent mandare quatuor villatis, vel quinque, vel ſex vicinis, quod ſint coram ipſis tali loco; & cum venerint, coronatores ad ſacramentum illorum debent facere inquiſicionem in hac forma; ſcil. Si fuerit de homine occiſo, primo inquirend' ubi occiſus fuerit, & ſi in campo, vel in domo, vel ad luctam, [*luttariam*] aut tabernam, vel ad congregacionem; & ſi quis, vel qui ibidem fuerint: Similiter inquirend' eſt, qui & quales culpabiles fuerint, ſive de facto, ſive de forcia, & quis fuerit in curia, & qui ibidem fuerint homines aut mulieres cujuſcunque fuerint etatis, dummodo tamen loqui ſciant, & habeant [*aliquam*] diſcrecionem; & quotquot inventi fuerint culpabiles per inquiſicion. aliquorum modorum pred. capiantur & liberentur vicecomiti, & imponantur in gaolam; & quotquot inventi fuerint, qui non ſunt culpabiles, attachientur uſque ad adventum juſticiariorum itenerantium, & nomina eorum in rotulo ſcribantur coronatoris. Si quis autem talium occiſus fuerit in campis vel in boſcis, & ibi inveniatur, primo inquiratur ſi ibi occiſus fuerit vel non, & ſi forte illuc differatur, ſequantur veſtigia eorum, ſi poteſt fieri, qui corpus illuc detulerunt, vel equi qui ducebat, vel carecte, ſi forte equo vel carecta deferatur. Inquiratur eciam ſi interfectus fuerit notus vel ignotus, & ubi nocte illa precedente fuerit hoſpitatus. Si autem hujus occiſi fuerint, de quibus dicitur quod culpabiles ſint, ſtatim accedant coronatores ad domum illorum, & inquirant que catalla habuerunt, & que blada in grangia; & ſi liberi homines fuerint, quantum terram habuerint, & quantum valeat per annum, & que

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que b'.da habuerint in terris ; & cum ita adquiſierint de omnibus, appreciari faciant catalla & blada, & extendant terram, ſicut ſtatim vendi poſſent, & liberentur villatis [*tote villate*] ad reſpondend' coram Juſticiariis ; ſimiliter de terra libera, quantum valeat per annum, ſalvo ſervicio dominorum feodi, & teneatur terra in manu domini Regis, quouſque domini feodorum pro eadem finem fecerint [*ſatisfecerint.*] Et hiis inquiſitis, ſtatim ſepeliantur corpora mortuorum vel occiſorum.

Similiter inquirendum eſt de ſubmerſis, vel ſubito mortuis, & poſtea videnď eſt de talibus corporibus utrum ſic ſubmerſi fuerint, vel occiſi, vel jugulati, vel per ſignum colli funibus ſtrangulati, vel per alia membra, vel per leſuram in corpore inventam, ſecundum hoc procedendo in forma predicta ; Et ſi non fuerint occiſi, tunc debet coronator attachiare inventorem, & omnes alios de ſocietate. De theſauro invento debet coronator inquirere, qui ſciunt inventorum, & ſimiliter qui inde rectati ſunt, & hoc ſcire poteſt, ſcilicet ſi quis ſe geſſerit vel duxerit ſolito, vel ad tabernam acceſſerit, & diucius ſic ſe habuerit ; pro tali ſuſpicione attachiari debet per iiii vel vi. vel per plures plegios, ſi invenire poſſint. Si autem aliquis appellatus fuerit de raptu, appellatus attachiari debet, ſi appellum recens fuerit, & videant ſignum veritatis per manifeſtam ſanguinis violenciam, vel huteſium levatum ; & talis attachiari debet per iiii plegios, vel per vi. ſi invenire poſſit ; ſi autem appellum fuerit ſine huteſio, & ſine ſanguine manifeſto, tunc ſufficiunt plegii duo. De appello vero de plagis, & hujuſmodi, ſi plage fuerint mortales, ſtatim capiantur appellati, & teneantur donec ſciatur ſi poſſit convaleſcere, vel non ; ſcilicet leſus quod ſi moriatur, teneantur rei ; ſi vero convaluerint, attachientur per quatuor pleg' vel ſex, ſecundum quod plaga fuerit major vel minor : Si de mahemio fuerit, per plures quam quatuor ; de ſimplici autem vulnere ſine mahemio, duo ſufficiunt pleg'. Item de omnibus plagis videndum eſt, que ſit longitudo, latitudo, & profunditas, & quibus armis vulneratus ſit leſus ; in quo loco corporis, & ſi plures culpabiles ſint ; &, ſi plura ſint vulnera, quis qualem plagam fecit ; & ſic omnia debent irrotulari in rotulo coronatoris. Si vero aliquis, vel *aliqui* appellati fuerint, appellatus de facto capiatur, & appellatus de forcia attachietur, ſalvo quouſque appellati de facto convincantur vel deliberentur. De equis, battellis, carectis, & molendinis per que aliqui interficiuntur, que proprie dicuntur bani, areſtentur, [*apprecientur*] & poſtea tradantur villatis, ut ſupra. De wrecco maris, ubicunque inveniatur, ſi aliquis manus apponat, attachietur per bonos plegios & ſalvos, & predictum wreccum apprecietur, & liberetur villatis. Si autem aliquis

‘ inquire how much Land they have, and what it is ‘ worth yearly ; and further, what Corn they have ‘ upon the Ground. And when they have thus in- ‘ quired upon every thing, they ſhall cauſe all the ‘ Corn and Goods to be valued, and the Land to be ‘ extended, ſo that they may be ſold incontinently, ‘ and thereupon they ſhall be delivered to the whole ‘ Townſhip, which ſhall be anſwerable before the ‘ Juſtices for all ; and likewiſe of his Freehold, how ‘ much it is worth yearly over and above the Service ‘ due to the Lords of the Fee : and the Land ſhall re- ‘ main in the King's Hands, until the Lords of the ‘ Fee have made Fine for it. And immediately upon ‘ theſe Things being inquired, the Bodies of ſuch ‘ Perſons being dead or ſlain ſhall be buried.

‘ II. In like manner it is to be inquired of them that ‘ be drowned, or ſuddenly dead, and after it is to be ‘ ſeen of ſuch Bodies, whether they were ſo drowned, ‘ or ſlain, or ſtrangled by the Sign of a Cord tied ‘ ſtreight about their Necks, or about any of their ‘ Members, or upon any other Hurt found upon their ‘ Bodies, whereupon they ſhall proceed in the Form ‘ aboveſaid ; and if they were not ſlain, then ought ‘ the Coroner to attach the Finders, and all other in ‘ the Company. A Coroner alſo ought to inquire of ‘ Treaſure that is found, who know the Finders, and ‘ likewiſe who is ſuſpected thereof ; and that may be ‘ well perceived * *where one liveth riotouſly haunting* ‘ Taverns, and hath done ſo of long Time ; hereupon ‘ he may be attached for this ſuſpicion by four, or ‘ ſix, or more Pledges, if they may be found. Fur- ‘ ther, if any be appealed of Rape, he muſt be at- ‘ tached, if the Appeal be freſh, and they muſt ſee ‘ apparent Sign of Truth by Effuſion of Blood, or an ‘ open Cry made ; and ſuch ſhall be attached by ‘ four, or ſix Pledges, if he may be found : If the ‘ Appeal were without Cry, or without any mani- ‘ feſt Effuſion of Blood, two Pledges ſhall be ſuffici- ‘ ent. Upon Appeal of Wounds and ſuch like, eſpe- ‘ cially if the Wounds be mortal, the Parties appealed ‘ ſhall be taken immediately and kept until it be known ‘ perfectly, whether he that is hurt ſhall recover, or ‘ not ; and if he die, the Offenders ſhall be kept ; and ‘ if the Parties hurt recover Health, the Offenders ſhall ‘ be attached by four or ſix Pledges, after as the Wound ‘ is great or ſmall. If it be for a Maim, he ſhall find ‘ more than four Pledges ; if it be for a ſmall Wound, ‘ without Maihem, two Pledges ſhall ſuffice. Alſo all ‘ Wounds ought to be viewed, the Length, Breadth, ‘ and Deepneſs, and with what Weapons the Wound ‘ is given, and in what Part of the Body the Wound or ‘ Hurt is, and how many be culpable, and if there are ‘ many Wounds, who gave each particular Wound ; ‘ all which Things muſt be inrolled in the Roll of the ‘ Coroners. Moreover if one or more be appealed, the ‘ Party appealing of the Fact ſhall be taken, and the ‘ Party appealed of the Force ſhall be attached alſo, ‘ and ſurely kept in Ward, until the Parties appealed ‘ of the Fact be attainted or delivered. Concerning ‘ Horſes, Boats, Carts, Mills, &c. whereby any are ‘ ſlain, that properly are called *Deodands*, they ſhall ‘ be valued and delivered unto the Towns as before is ‘ ſaid. Concerning Wreck of the Sea, whereſoever it ‘ be found, if any lay Hands on it, he ſhall be attached ‘ by ſufficient Pledges, and the Price of the Wreck ‘ ſhall be valued and delivered to the Towns. If any ‘ be ſuſpected of the Death of any Man being in dan-

Perſon drowned, or ſuddenly dead.

Bro. Coron. 175. Fitz. Coron. 241. 265, 436, 446.

Treaſure found.

* *Whether one, for Inſtance, liveth and behaveth as he uſed to do, or haunteth Taverns, &c.*

Appeal of Rape.

Appeal of Wounds or Maim.

Raſt. 45.

Principals and Acceſſary.

Deodands.

Wreck of the Sea.

Altered by 12 *Ann. ſtat.* 2. *c.* 18. *for preſerving Ships and Goods ſtranded, &c.*

Suſpected Perſons.

Huy and Cry.

See further Regulations in Index, *tit.* Coroner.

‘ ger

' ger of Life, he ſhall be taken and impriſoned, as be-
' fore is ſaid. In like manner Huy ſhall be levied for
' all Murthers, Burglaries, and for Men ſlain, or in Pe-
' ril to be ſlain, as otherwhere is uſed in *England*, and
' all ſhall follow the Huy and Steps, as near as can be;
' and he that doth not, and is convict thereupon, ſhall
' be attached to be afore the Juſtices of the Gaol, *&c.*

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rettatus fuerit de morte alicujus periclitati, capiatur & impriſonetur ut ſupra. Similiter de homicidiis, burglariis, ſeu periclitatis, ſeu occiſis, levetur hutesium, ſicut alibi eſt conſuetudo in Anglia; & omnes ſequentur hutesium, ſcilicet hutesium & veſtigia, ſi fieri poterit; & qui non fecerit, & ſuper hoc convincatur quod noluerit, attachietur quod ſit coram Juſticiariis de gaola. [*ut prius.*]

The Statute of Bigamy, *made* 4 Octob. Ann. 4 EDW. I. *Stat.* 3. *and* Anno Dom. 1276.

" IN the Preſence of certain Reverend Fathers,
" Biſhops of *England*, and others of the Council
" of the Kingdom of *England*, the Conſtitutions
" under-written were recited, and after heard and
" publiſhed before the King and his Council, who all
" of the King's Council, as well Juſtices as other,
" did agree that they ſhould be put in Writing for a
" perpetual Memory, and that they ſhould be ſtead-
" faſtly obſerved."

Cotton *MS.*

IN preſentia venerabilium patrum aliquorum Epiſcoporum Anglie, & aliorum de conſilio regni Anglie, recitate fuerunt conſtitutiones ſubſcripte & recordate, & poſtmodum coram domino Rege & ſuo conſilio audite, qui omnes de conſilio Juſtic' ſimiliter & alii concordarunt, quod in ſcriptura redigerentur ad perpetuam memoriam, & quod firmiter obſervarentur.

CAP. I.

In what Caſe Aid ſhall be granted of the King, in what not.

The firſt Article.

2 H. 7. 11.
5 H. 7. 16.
9 H. 7. 15.
15 H. 7. 10.
Fitz. Proceed. 5. 6.
Fitz. Traverſe. 41.
1 Roll 288.
2 Inſt. 268.

' CONcerning Pleas where the Tenant excepteth,
' that he cannot anſwer without the King; it is
' agreed by the Juſtices, and other learned Men of our
' Lord the King's Council, who have held the
' Uſe and Practice hitherto to have been, that where
' a Feoffment was made by the King with a Deed
' thereupon, it is of ſuch Effect, that if another Per-
' ſon by a like Feoffment and like Deed be bounden
' to Warranty, the Juſtices could not heretofore have
' proceeded any further, neither yet do proceed with-
' out the King's Commandment had therefore, neither
' can it be thought that they may proceed.'

Primus articulus ſic incipit:

DE placitis ubi vero tenens ſic excipit, quod ſine Rege reſpondere non poteſt; concordatum eſt per Juſtic' & alios ſapientes de conſilio domini Regis, qui conſuetudinem & uſum hactenus habuerunt, quod ubi feoffamentum factum fuerit per Regem, & carta ſuper hoc confecta, tantum ſe habet, quod ſi aliqua perſona per conſimile feoffamentum, & per conſimilem cartam, tenetur ad warrantum, Juſticiarii ulterius procedere non potuerunt, nec hucuſque proceſſerunt, niſi ſuper hoc preceptum [*a domino rege*] habuiſſent, nec videri poteſt quod procedere poſſunt.

CAP. II.

In what caſe Aid is granted of the King, in what not.

2 Inſt. 270.

" AND it ſeemeth alſo, that they could not pro-
" ceed in certain Caſes, as where the King hath
" confirmed or ratified any Man's Deed to the Uſe of
" another, or hath granted any thing as much as in
" him is, or where a Deed is ſhewed, and Clauſe con-
" tained therein, whereby he ought to warrantize:"
' And in like Caſes they ſhall not ſurceaſe by occaſion
' of a Confirmation, Grant, or Surrender, or other
' like, but, after Advertiſement made thereof to the
' King, they ſhall proceed without Delay.'

Raſt. 27.

IN certis autem caſibus, utpote ubi Rex confirmaverit vel ratificaverit factum alicujus in rem alienam, vel rem aliquam alicui conceſſerit, quantum in ipſo eſt, vel ubi profert cartam, quod Rex aliquod tenementum reddiderit, vel clauſula aliqua contineatur, per quam warrantia debeatur; & pro conſimilibus caſibus, nec occaſione confirmacionis, ratificacionis, conceſſionis, ſive reddicionis aut aliorum conſimilium ſuperſedendum eſt, quin poſtquam hoc Regi fuerit oſtenſum, ſine dilacione procedatur.

CAP. III.

In Dower the King's Grantee of a Ward ſhall not have Aid.

Fitz. Aid de Roi, 11, 12, 17, 30, 34, 37, &c.

' CONcerning the Endowment of Women, where
' the Guardians of their Huſbands Inheritance
' have Wardſhip by the Gift or Grant of the King, or
' where ſuch Guardians be Tenants of the Thing in
' demand; or if the Heirs of ſuch Lands be vouched
' to Warranty, if they ſay that they cannot anſwer
' without the King: they ſhall not ſurceaſe upon the
' Matter therefore, but ſhall proceed therein accord-
' ing to Right.'

2 Inſt. 271.

DE dotibus mulierum, ubi aliqui cuſtodias hereditatum maritorum ſuorum habeant, vel de dono Regis, vel ex conceſſione Regis, ſive cuſtodes rem petitam teneant, ſive heredes predictorum tenementorum vocentur ad Warrantum, ſi excipiant quod ſine Rege reſpondere non poſſunt: non ideo ſuperſedeatur, quin in loquela predicta, prout juſtum fuerit, procedatur.

CAP.

CAP. IV.

Purpreſtures or Uſurpations upon the King's Land ſhall be reſeiſed.

Cotton *MS.*

DE purpreſturis, ſeu occupacionibus quibuſcunque factis ſuper dominum Regem, ſive in libertate, aut in aliis, concordatum eſt, quod tempore Regis definitum erat, & conſideratum, quod ubi occupatores ſuperſtites erant, vel fuerunt, Rex de plano reſumat rem taliter occupatam de manibus occupantium, quod & in Curia domini Regis de cetero obſervetur; & ſi quis de hujuſmodi reſumpcionibus conqueratur, prout juſtum fuerit, audiatur.

'CONcerning Purpreſtures, or any Manner of Uſurpations, made upon the King within Franchiſes, or elſewhere, it was agreed and determined in the Time of King HENRY, that where ſuch Uſurpers were living, the King ſhould reſeiſe of new the Land ſo uſurped out of the Hands of the Uſurpers; the which Thing alſo ſhall be from henceforth obſerved in the King's Court; and if any do complain upon ſuch Reſeiſers, he ſhall be heard like as Right requireth.'

9 Co. 16. Fitz. Dower, 169.

Enforced by 17 Ed. 2. c. 13. 2 Inſt. 272.

CAP. V.

Bigamus ſhall not be allowed his Clergy.

DE Bigamis, quos dominus [*Papa*] in conſilio Lugdunenſi omni privilegio clericali privaverit, per conſtitucionem inde editam, & unde quidam prelati illos, qui fuerunt effecti bigami ante predictam conſtitucionem, & de felonia rectati fuerunt, tanquam clericos exigerunt ſibi liberand'; concordatum eſt coram Rege & conſilio ſuo, quod conſtitucio illa intelligenda eſt, quod ſive effecti ſint bigami ante predictam conſtitucionem, ſive poſt, non liberenter Prelatis, immo fiat de eis juſticia ſicut de laicis.

'CONcerning Men twice married, called *Bigami*, whom the Biſhop of *Rome*, by a Conſtitution made at the Council of *Lions*, hath excluded from all Clerks Privilege, whereupon certain Prelates (when ſuch Perſons have been attainted for Felons) have prayed for to have them delivered as Clerks, which were made *Bigami* before the ſame Conſtitution; it is agreed and declared before the King and his Council; that the ſame Conſtitution ſhall be underſtood in this wiſe, that whether they were *Bigami* before the ſame Conſtitution, or after, they ſhall not from henceforth be delivered to the Prelate, but Juſtice ſhall be executed upon them, as upon Lay People.'

Altered by 1 Ed. 6. c. 12. *which allows Clergy.*

Raſt. 106. 2 Inſt. 273. *See* 1 Jac. 1. c. 11. *which makes this Offence Felony.*

CAP. VI.

By what Words in a Feoffment a Feoffor ſhall be bound to Warranty.

IN cartis autem, ubi continetur dedi et conceſſi tale tenementum, ſine homagio, vel ſine alia clauſula continente Warantiam, & tenend' de donatoribus & heredibus ſuis per certa ſervicia; concordatum eſt per eoſdem, quod donator & heredes ſui teneantur ad warantizand.' Ubi autem continetur dedi conceſſi, tenend' de capitalibus dominis, aut de aliis quam de feoffatoribus vel heredibus ſuis, nullo ſervicio ſibi retento, ſine homagio, vel ſine dicta clauſula, heredes ſui non teneantur ad warantizand'; ipſe tamen feoffator [*in vita ſua*] ratione doni ſui proprii, teneatur ad warrantiam. Predicte autem conſtituciones edite fuerunt in parliamento poſt feſtum ſancti Michaelis, anno regni regis E. filii regis H. quarto [*& extunc habebunt locum.*]

'IN Deeds alſo where is contained *Dedi & conceſſi tale tenementum* without Homage, or without a Clauſe that containeth Warranty, and to be holden of the Givers, and their Heirs, by a certain Service; it is agreed, that the Givers, and their Heirs, ſhall be bounded to Warranty. And where is contained *Dedi & conceſſi, &c.* to be holden of the chief Lords of the Fee, or of other, than the Feoffors, or of their Heirs, reſerving no Service, without Homage, or without the foreſaid Clauſe, their Heirs ſhall not be bounden to Warranty, notwithſtanding the Feoffor during his own Life, by Force of his own Gift, ſhall be bound to warrant. All theſe Conſtitutions, aforeſaid were made in the Parliament next after the Feaſt of St. *Michael*, the fourth Year of the Reign of King *Edward*, Son of King *Henry*; and from that Time forth they ſhall take Effect.'

Dyer 15. 221. 1 Co. 1. 1. 3 Co. 58. 4 Co. 81. 5 Co. 17. 8 Co. 51.

2 Inſt. 274.

STATUTA

STATUTA GLOUCESTR'

Statutes made at Glouceſter, 4 Octobris, Anno 6 EDW. I. *and* Anno Dom. 1278.

Ex Rot. in Turr. Lond. *m.* 47.

LE an de grace MCCLXXVII. e del regne le Rey EDWARD fiz le Rey HENRI ſiſme a Glouceſtre le mois de Auſt perveaunt meſme le rei pur le amendement de ſun reaume e pur plus plenere exhibicion de dreit ſi com le profit de office regal demaunde appelez les plus deſcrez de ſun regne auſi bien des greindres cum des meindres. Eſtabli eſt e concordaument ordeine qe cum meſme le regne en pluſurs divers cas auſi bien de fraunchiſes com de autre choſes en les queles avaunt lei failli e a eſchuire les treſgreſs damages e les nient numbrables deſheriteſuns Les quels icel manere defaute de lei fiſt a la gent du reaume eit meſter de divers ſupplecions de lei e de noveles purveaunces e les eſtatuz ordeignemenz e purveaunces ſuz eſcrites de tute la gent del regne deſoremes fermement ſeient gardez. Cum Prelatz Cuntes Baruns é autres del regne cleiment aver divers fraunchiſes a les quels examiner e jugger le Rey a meſmes ceus Prelats Cuntes Baruns e autres aveit done jour purveu eſt e concordaument graunte qe les avauntditz Prelatz Cuntes Baruns e autres tels manere de fraunchiſes uſent iſſint qe rien ne lur acreſſe par uſurpacion ou occupaciun ne ren ſur le Rei occupent deſqe a la procheine venue le Rei par le counte ou a la procheine venue de Juſtices erraunz a comuns plez en meſme le counte ou deſqe le Rei commaunde autre choſe ſauve le dreit le Rei cum il envodra parler ſolom ceo qe il eſt cuntenu en le brief le Rei. E de ceo ſoient maunde brefs as Viſcuntes Baillifs e autres per cheſcun demaundaunt e ſeit la forme del bref chaungee ſolom la diverſete dez fraunchiſes les quels cheſcun cleime aver. E les Viſcuntes par tutes lur baillies ferunt communement crier ceo eſt aſaver en cites en burgs en viles marchaundes e aillours qe tuz ceus qi aucunes fraunchiſes cleiment aver par les chartres les predeceſſurs le Rei Reis de Engleterre ou en autre manere ſeient devaunt le Rei ou devaunt juſtices en eire a certeins jour e leu a muſtrer quel manere de fraunchiſes il cleiment aver e par quel garaunt. E les viſcuntes meimes dunqes ſerrunt iloeques perſonenment od lur baillifs e lur meniſtres a certifier le Rei ſur les avauntdites fraunchiſes e autres choſes qe celes fraunchiſes touchent. E ceſte criee devaunt le Rei conteigne garniſement de treis ſemeines. E meſme la manere ferunt les viſcuntes crier en eire de juſtices. E en meſme la manere ſerrount il perſonenment od lur baillifs e lur meniſtres a certifier les juſtices de tel manere de fraunchiſes e de autre choſes qe celes fraunchiſes touchent. E ceſte criee conteigne garniſement de quaraunte jours ſi com la commune ſomonuſe content iſſi qe ſi la partie qe cleime aver fraunchiſe ſei devaunt le Rei ne ſeit pas mis en defaute devaunt les Juſtices en eire pur ceo qe le Rei de ſa grace eſpeciale ad graunte qe il garde la partie de damage quaunt a cel adjournement. E ſi cele partie ſeit en plai ſur tels manere de fraunchiſes devaunt une peire de Juſtices avauntdiz meſmes les Juſtices devaunt les quels la partie eſt en plai garderount la partie de damage devaunt autres Juſtices E le Rei devaunt lui meſmes mes qe il ſache par les Juſtices qe la partie fuſt en plai devaunt eus ſi com il eſt avauntdit. E ſi cels qi tels fraunchices cleiment aver ne viegnent al jour avauntdit dunqes ſeient les fraunchices en nun de deſtreſſe pris en la main le Rei par le viſcunte del liu iſſi qe il tel manere de fraunchiſes ne uſent deſqe il viegnent a receivre dreit. E quaunt il veinent par cele deſtreſce lur fraunchiſes lur ſeient replevies ſi il les demaundent les quels replevies reſpoignent meintenaunt en la forme avauntdite. Et ſi par aventure les parties exceptent qe il ne deivent nent de ceo reſpundre ſaunz bref original dunqe ſi il puſſe eſtre ſeu qe eus de lur propre fet eient uſurpe ou occupe acunes fraunchiſes ſur le Rei ou ſur ſes predeceſſors dit lur ſeit qe meintenaunt reſpoignent ſaunz bref e pus receivent jugement ſi com la Curt le Rei agardera. E ſi il dient outre qe lur aunceſtre ou lur aunceſtres de meiſmes les fraunchices morurent ſeiſis ſoient oiz e meintenaunt ſeit la verite enquiſe e ſolom ceo aillent les juſtices avaunt en la beſoigne. E ſi il ſeit trove qe lur aunceſtre en moruſt ſeiſi dunqes eit le Rei bref original de ſa chauncelerie en la forma fete de ceo Le Rei maunde ſaluz au viſcunte ſommonez par bons ſommonours un tel qe il ſeit devaunt nus a teu liu en noſtre procheine venue en cel Cunte ou devaunt nos Juſtices a primeres aſſiſes cum il en celes parties vendrount a muſtrer par quel garaunt il cleime aver quitaunce de tonnue pur ſei ou ſes homme par tut noſtre reaume par continuacion apres la mort tel jadis ſun predeceſſour. E eiez les ſomonurs e ceo bref. E ſi les parties viegnent al jor reſpoignent e ſeit replie e juge. E ſi il ne viegnent ne ſe eſſoignent devaunt le Rei e le Rei demoerge outre en cel Cunte ſeit comaunde al viſcunte qe il les face venir al quart jor al quel jor ſi il ne viegnant e le Rei demoerge outre en cel Cunte, ſeit fet ſi com en eire des Juſtices. E ſi le Rei departe del cunte ſeient les parties ajornees a bref jor e eient renables delais jouſte les deſcrecions des juſtices ſi cum en actiuns perſoneles. E les juſtices en eire facent de ceo en lur eires ſolom le ordeinement avauntdit e ſolom ceo qe tel manere de plez deivent eſtre detut en eire. De pleintes fetes e a fere des bailiffs le Rei e de autri bailliffs ſeit fet ſolom le ordeinement avaunt fet de ceo e ſolom les inqueſtres de ceo avaunt priſes E de ceo frunt les Juſtices en eire ſolum ceo qe le Rei lour ad enjoint e ſolum les articles qe le Rei lur ad livere [a].

[a] See the Statute of *Quo Warranto*, *fol.* 70.

CAP.

CAP. I.

Several Actions wherein Damages ſhall be recovered.

Ex Rot. in Turr. Lond.

CUM avaunt ces houres damages ne fuſſent agardez en aſſiſe de novele diſſeiſine fors tauntſoulement vers les diſſeiſiſurs [*diſſeiſours*] purveu eſt que ſi leȝ diſſeiſiſours alienent les tenemenz e neient dunt les damages puſſent eſtre levez qe ceus en qi mains icels tenemenz devendrunt ſeient charge des damages iſſi qe cheſcun reſpoigne de ſon tens. Purveu eſt enſement qe le deſeiſi recoyre damage en bref de Entre ſur novele diſſeiſine vers celui qi eſt trove tenaunt apres le deſeiſur. Purveu eſt enſement qe la ou en avaunt ces houres damages ne furent agardez en ple de mort de aunceſtre fors en cas la ou tenement fu recovere vers le chief ſeignour qe deſoremes damages ſeient agardez en touz cas ou en recovre par aſſiſe de mort de aunceſtre ſi com eſt avauntdit en aſſiſe de novele diſſeiſine en meſme la manere recovre lem damages par bref de Coſinage del Ael e del Beſael.

Cotton *MS.* Veſpaſ. B. 7.

[*Et lou avant ces heurez damages ne furent taxez fors a la value del iſſue de la terre qe le demandant print & poet prendre deſormes recover vers' le tenant les couſtages de ſon brief purchaſe enſeblement ove lez damages avantditz. Et tout ceo ſoit tenu en tout cas ou homme recover damages.*]

Ex Rot. in Turr. Lond.

II. E ſeit deſoremes en meſme la manere cheſcun tenu a rendre damages la ou om recovre vers lui de ſa entruſiun ou de ſun fet demeiſne.

"WHereas heretofore Damages were not awarded "in Aſſiſes of *Novel diſſeiſin*, but only againſt "the Diſſeiſors:" 'it is provided, That if the Diſ- 'ſeiſors do aliene the Lands, and have not whereof 'there may be Damages levied, that they to whoſe 'Hand ſuch Tenements ſhall come, ſhall be charged 'with the Damages, ſo that every one ſhall anſwer for 'his Time. It is provided alſo, That the Diſſeiſee 'ſhall recover Damages in a Writ of Entry, upon '*Novel diſſeiſin* againſt him that is found Tenant after 'the Diſſeiſor. It is provided alſo, That where be- 'fore this Time Damages were not awarded in a 'Plea of *Mortdaunceſtor* (but in caſe where the Land 'was recovered againſt the chief Lord) that from 'henceforth Damages ſhall be awarded in all Caſes 'where a Man recovereth by Aſſiſe of *Mortdaunceſtor*, 'as before is ſaid in Aſſiſe of *Novel diſſeiſin:* And 'likewiſe Damages ſhall be recovered in Writs of '*Coſinage*, *Aiel*, and *Beſaiel*.'

The Alienee of a Diſſeiſor ſhall be charged with Damages. Fitz. Damage, 14, 43, 66, 68, 82, 95, 101, 102, 104, 108, 110, 121, 123, 127, 129. Hob. 95. Godbolt 112. Damages in Mortdaunceſtor. Co. Lit. 10. 116. Dyer, f. 370. Fitz. Damage, 6, 19, 97. Damages in Coſinage, Aiel, Beſaiel.

" II. And whereas before Time Damages were not " taxed, but to the Value of the Iſſues of the Land;" 'it is provided, That the Demandant may reco- 'ver againſt the Tenant the Coſts of his Writ pur- 'chaſed, together with the Damages aboveſaid. 'And this Act ſhall hold Place in all Caſes where the 'Party is to recover Damages. And every Per- 'ſon from henceforth ſhall be compelled to render 'Damages, where the Land is recovered againſt him 'upon his own Intruſion, or his own Act.'

Where Damages ſhall be recovered, there Coſts alſo.

2 Inſt. 283.

CAP. II.

In what Caſe Nonage of the Plaintiff ſhall not ſtay an Enqueſt.

ESi enfaunt dedenz age ſeit tenu hors de ſun heritage apres la mort ſun Cuſin Ael ou Beſael par que il conveigne qe il purchaſe bref e ſun adverſaire veigne en Curt e enreſponaunt allegge feſſement ou autre choſe die par quei Juſtices agardent enqueſte la ou enqueſte fu delae deſque al age ſi paſſe ore lenqueſte auſi cum il fu de age.

'IF a Child within Age be holden from his Heritage 'after the Death of his Coſin, Grandfather, 'or Great Grandfather, whereby he is driven to 'his Writ, and his Adverſary cometh into the Court, 'and for his Anſwer alledgeth a Feoffment, or plead- 'eth ſome other Thing, whereby the Juſtices award 'an Enqueſt, there whereas the Enqueſt was deferred 'unto the full Age of the Infant, now the Enqueſt 'ſhall paſs as well as if he were of full Age.'

Co. Lit. 6. f. 3. Dyer, f. 104. 3 Bulſtr. 137.

CAP. III.

An Alienation of Land by the Tenant by the Curteſy with Warranty ſhall be void.

ESTabli eſt enſement qe ſi home aliene tenement qil tient par lei de Engleterre ſun fiz ne ſeit pas barre par le fet ſun pere par qi nul heritage ne lui eſt deſcendu a demander e recovrer par bref de mort de aunceſtre la ſeiſine ſa mere tut face la chartre ſun pere mentiun qe lui e ſes heirs ſeient tenuz a la garauntie. E ſi heritage lui ſeit deſcendu par ſun pere dunqes ſeit il forclos de la value del heritage qe lui eſt deſcendu. E ſin en tens apres heritage lui deſcent par meſme le pere dunqe avera le tenaunt vers lui recoverer de la ſeiſine ſa mere par bref de jugement qe iſtra des roules des Juſtices devaunt les quels le plai fu pleide e reſomoundre ſun garaunt ſi cum ad eſte fet en autre cas ou le garaunt vint en curt e diſt qe rien ne lui eſt deſceh-

'IT is eſtabliſhed alſo, That if a Man aliene a Te- 'nement, that he holdeth by the Law of *England*, 'his Son ſhall not be barred by the Deed of his Father '(from whom no Heritage to him deſcended) to de- 'mand and recover by Writ of *Mortdaunceſtor*, of the 'Seiſin of his Mother, although the Deed of his Fa- 'ther doth mention, that he and his Heirs be bound 'to Warranty. And if any Heritage deſcend to 'him of his Father's Side, then he ſhall be barred for 'the Value of the Heritage that is to him deſcended. 'And if in Time after any Heritage deſcend to 'him by the ſame Father, then ſhall the Tenant reco- 'ver againſt him of the Seiſin of his Mother by a ju- 'dicial Writ that ſhall iſſue out of the Rolls of the 'Juſtices, before whom the Plea was pleaded, to re- 'ſummon

Vaughan 366. Stat. 4 & 5 Ann. c. 16. Bro. Formedon, 73. 5 Co. 80. 8 Co. 52. Co. Lit. 365, 366, 381. a. 382. a. 383. a. b. Dyer, f. 148. Fitz. Garranty, 5. 9 Co. 26. Fitz Cui in vita, 7, 8. *See* 32 H. 8. c. 28. *with regard to Leaſes made by Tenants in Fee, &c. in Right of their Wives.*

Ex Rot. in Turr. Lond.

ſummon his Warranty, as before hath been done in Caſes where the Warrantor cometh into the Court, ſaying, That nothing deſcended from him by whoſe Deed he is vouched. And in like Manner the Iſſue of the Son ſhall recover by Writ of *Coſinage*, *Aiel*, and *Beſaiel*. Likewiſe in like Manner the Heir of the Wife ſhall not be barred of his Action after the Death of his Father and Mother, by the Deed of his Father, if he demand by Action the Inheritance of his Mother by a Writ of Entry, which his Father did aliene in the Time of his Mother, whereof no Fine is levied in the King's Court.'

Keilw. 104. b. 124, 125.

2 Inſt. 292.

du de lui par qui fet il eſt vouche. En meſme la manere le iſſue del fiz par bref del ael coſin e del beſael. Enſement en meſme la manere ne ſeit le hier la femme apres la mort le pere e le mere barre de action par le chartre ſun pere ſi il demaunde le heritage ou le mariage la mere par bref de entre qe ſun pere en tens ſa mere aliena dunt nule fin eſt levee en la Curt le Rey.

CAP. IV.

In what Caſe a *Ceſſavit* is maintainable againſt a Tenant in Fee-farm.

ALSO if a Man let his Land to Ferm, or to find Eſtovers, in Meat or in Cloth, amounting to the Fourth Part of the very Value of the Land, and he which holdeth the Land ſo charged letteth it lie freſh, ſo that the Party can find no Diſtreſs there by the Space of Two or Three Years to compel the Farmer to render, or to do as is contained in the Writing or Leaſe; it is eſtabliſhed, that the Two Years being paſſed, the Leſſor ſhall have an Action to demand the Land in demean by a Writ which he ſhall have out of the Chancery. And if he againſt whom the Land is demanded come before Judgement, and pay the Arrearages and the Damages, and find Surety (ſuch as the Court ſhall think ſufficient) to pay from thenceforth as is contained in the Writing of his Leaſe, he ſhall keep the Land. And if he tarry until it be recovered by Judgement, he ſhall be barred for ever.'

7 H. 8. f. 28. Fitz. Reſceit, 96, 105. Fitz. Scire fac', 154. Kel. f. 75, 132. Fitz. Ceſſavit, 2, 10, 12, 19, 20, 23, 25, 27, 29, 32, 38, 39, 49, 52, 53, 56. Raſt. Pla. f. 111. The Tenant payeth the Arrearages, and findeth Surety.

Regiſt. 237. 2 Inſt. 205. *Enforced and extended by.* 13 Ed. 1. ſtat. 1. c. 21. 41. & 10 Ed. 2.

ENſement ſi home leſt ſa terre a fee ferme ou a trouver eſtovers en vivre en veſture qe munte a la quarte partie de la verri value de la terre e celui qi tient la terre iſſint charge la leſſe giſir friſche iſſi qe lem ne puſſe trover deſtreſce par deus anns ou treis ſaunz ent fere la ferme rendre ou ſaunz fere ceo que eſt contenu en leſcrit del les eſtabli eſt qe apres les deus anns paſſez eit le leſſour actioun a demaunder la terre en demeine par bref qe il avera en le Chauncelrie. E ſi celui vers qi la terre eſt demaunde veigne avaunt jugement e rende les arrerages e les damages e trove ſeurte tele com la cort verra qe ſeit ſuffeſaunte a rendre en apres ceo qe eſt contenu en le eſcrit ſi retiegne la terre. E ſi il demoert deſqe taunt qe ele ſeit recovre par jugement ſi ſeit encorue a remanaunt.

CAP. V.

Several Tenants againſt whom an Action of Waſte is maintainable.

IT is provided alſo, That a Man from henceforth ſhall have a Writ of Waſte in the Chancery againſt him that holdeth by Law of *England*, or otherwiſe for Term of Life, or for Term of Years, or a Woman in Dower. And he which ſhall be attainted of Waſte, ſhall leeſe the Thing that he hath waſted, and moreover ſhall recompenſe thrice ſo much as the Waſte ſhall be taxed at. And for Waſte made in the Time of Wardſhip it ſhall be done as is contained in the Great Charter. And where it is contained in the Great Charter, that he which did waſte during the Cuſtody, ſhall leeſe the Wardſhip, it is agreed that he ſhall recompenſe the Heir his Damages for the Waſte, if ſo be that the Wardſhip loſt do not amount to the Value of the Damages before the Age of the Heir of the ſame Wardſhip.'

Dyer 25. Fitz. Waſt, 62, 117, 146. Bro. Parl. 17. Fitz. Judgment, 85, 134, 255. Fitz. Damage, 7, 22, 42, 52, 90, 114, 133. Co. Inſt. 53. b. 54. b. 200. b. 355. b. 1 Roll. 91, 97, 156. Raſt. 689, &c. Savill 42. 9 H. 3. *ſtat.* 1. *c.* 4. 52 *H.* 3. *c.* 23.

Regiſt. 72.

ENſement purveu eſt qe lem eit deſoremes bref de Waſt en la chauncelrie fait de ceo ſur home qi tient par la lei de Engleterre ou en autre manere a terme de vie ou a terme de annz ou femme en doweire: e celui qui ſerra ateint de waſt perde la choſe qil ad waſtee e eſtre ceo face gre del trebble de ceo qe le waſt ſerra taxe. E endreit de waſt fet en garde ſeit fait ſolom ceo qe il eſt contenu en la graunt chartre. E par la ou il eſt contenue en la graunt chartre qe celui qi avera fet waſt en garde perde la garde Acorde eſt qe il rende il heir les damages del waſt ſi iſſi ne ſeit qe la garde perdue ne ſuffice my a la value des damages avaunt le age del heir de meſme la garde.

2 Inſt. 299. *See farther* 13 *Ed.* 1. 14, & 22. 20 *Ed.* 1. *ſtat.* 2. *and* 11 *H.* 6. *c.* 5. *againſt whom Action of Waſte is maintainable.*

CAP. VI.

Where divers Heirs ſhall have one Aſſiſe of Mortdaunceſtor.

IT is provided alſo, That if a Man die, having many Heirs, of whom one is Son or Daughter, Brother or Siſter, Nephew or Niece, and the other be of a further Degree, all the Heirs ſhall recover from henceforth by a Writ of *Mortdaunceſtor*.'

Fitz. Joinder in Act, 11, 31, 34, 35, 36. Co. Inſt. 164. a.

2 Inſt. 307.

PUrveu eſt enſement qe ſi home moert & eit pluſurs heirs dunt le un eſt fiz ou fillie frere ou ſoer nevewe ou nece e les autres ſoient en plus lointeing degre les heirs eient deſoremes recoverer par bref de la chauncelrie de mort de aunceſtre.

See 13 *Ed.* 1. *c.* 20. *where in Writ of Coſinage, &c. Tenant may plead that Plaintiff is not next Heir.*

CAP. VII.

A Writ of Entry *in caſu proviſo*, upon a Woman's Alienation of Dower.

Ex Rot. in Turr. Lond.

ENſement ſi femme vende ou donne en fee ou a terme de vie tenement qe ele tient en dowaire eſtabli eſt qe le heir ou autre a qi la terre devereit revertier apres le deces la femme eit meintenaunt recoverer a demander la terre par bref de entre fet de ceo en la chauncelrie.

'ALSO if a Woman ſell or give in Fee, or for Term of Life, the Land that ſhe holdeth in Dower; it is ordained, That the Heir, or other to whom the Land ought to revert after the Death of ſuch Woman, ſhall have preſent Recovery to demand the Land by a Writ of Entry made thereof in the Chancery.'

Fitz. Entre, 7, 8, Bro. Ingreſs, 3. 2 Inſt. 309. 1 Roll. 161.

Enforced and amended by Regiſt. 235.

11 H. 7. c. 20. *which gives a Right of Entry to Reverſions.*

CAP. VIII.

No Suit for Goods in the King's Courts under Forty Shillings. Attorneys may be made where an Appeal lieth not. The Defendant being eſſoined ſhall bring in his Warrant.

PUrveu eſt enſement qe viſcuntes pleident en Cuntees les pleſz de treſpas auſi com il ſoloient eſtre pleidez. E qe nul eit deſormes bref de treſpas devaunt Juſtices ſe il na fie par fei qe les biens enportez vaillent qaraunte ſol al miens. E ſi il ſe pleint de baterie a fie par fei qe ſa pleint eſt veritable. De plaies e de mahems eit em bref ſi com em ſoleit aver. E graunte eſt qe les defendaunts puiſſent fere attornez en tels plaiz ou apel ne eſt iſſi qe ſi ils ſoient atteintz del treſpas en lur abſence ſeit demaunde al viſcunte qe il ſeient pris e oyent dunqe la peyne qil avereient ſi il euſſent eſte preſent quant le jugement fu rendu. E ſi les pleintifs deſoremes en tel treſpas ſe facent eſſoneer apres la primere apparaunce ſeit jor done deſqe a venue ce Juſtices e les defendauntz endementers ſeint en pes en tels pleſz e en autres pleſz la ou attachemenz e diſtreſces giſent. E ſi le defendaunt ſe face eſſoneer de ſerviſe le Rey e ne porte ſun garant al jor qe eſt done par ſun eſſoneur qe il rende al pleintife les damages de la jornee de vint ſouz ou de plus ſolom la diſcrecium des Juſtices e ja le meins en la greve merci le Rey.

'IT is provided alſo, That Sheriffs ſhall plead Pleas of Treſpaſs in their Counties, as they have been accuſtomed to be pleaded. And that none from henceforth ſhall have Writs of Treſpaſs before Juſtices, unleſs he ſwear by his Faith, that the Goods taken away were worth Forty Shillings at the leaſt. And if he complain of Beating, he ſhall anſwer by his Faith, that his Plaint is true. Touching Wounds and Maims, a Man ſhall have his Writ as before hath been uſed; and it is agreed, that the Defendants in ſuch Pleas may make their Attornies, where Appeal lieth not; ſo that if they be attainted being abſent, then the Sheriff ſhall be commanded to take them, and ſhall have like Pain as they ſhould have had, if they had been preſent at the Judgement given. And if the Plaintiffs from henceforth in ſuch Treſpaſſes cauſe themſelves to be eſſoined after the firſt Appearance, Day ſhall be given them unto the coming of the Juſtices in Eyre, and the Defendants in the mean Time ſhall be in Peace. In ſuch Pleas and other, whereas Attachments and Diſtreſſes do lie, if the Defendant eſſoin himſelf of the King's Service, and do not bring his Warrant at the Day given him by the Eſſoin, he ſhall recompenſe the Plaintiff Damages for his Journey Twenty Shillings, or more, after the Diſcretion of the Juſtices, and ſhall be grievouſly amerced unto the King.'

Fitz. Brief, 550. 14 H. 8. f. 15. 2 Inſt. 310. Bro. Attorn. 64. 74, 78, 82, 88. *Enforced by* 43 *El. c.* 6. *and* 21 *Jac.* 1. *c.* 16. *which bar Plaintiffs of Coſts in Actions under* 40 *s.* Fitz. Eſſoin, 16, 17, 39, 41, 79, 116, 118, 198. Cro. El. 96.

Keilw. 106. b.

CAP. IX.

One Perſon killing another in his own Defence, or by Misfortune. An Appeal of Murther.

LE Rey comaunde qe nul bref de la chauncelerie ſeit graunte de mort de home de enquere ſi home occie autre par meſaventure ou ſei defendaunt ou en autre manere par felonie mes ſi tel ſeit en priſon e devaunt Juſtices erraunz ou Juſtices aſſignez a ghaole deliverer ſe met en pais de bien e de mal e len truſſe par pais qil eit fet ſe defendaunt ou par meſaventure dunqe par record des Juſtices face le Rei ſa grace ſi lui pleſt.

Ex Cotton *MS.* Veſpaſ. B. 7.

[*Purveu eſt enſement qe nul appel ſoit abatu ſi legerment come avaunt ad eſtee mes ſi les appellour counte le fait & lan le jour & le temps le Roy & la ville ou*

'THE King commandeth that no Writ ſhall be granted out of the Chancery for the Death of a Man to enquire whether a Man did kill another by Misfortune, or in his own Defence, or in other Manner without Felony; but he ſhall be put in Priſon until the coming of the Juſtices in Eyre, or Juſtices aſſigned to the Gaol-delivery, and ſhall put himſelf upon the Country before them for Good and Evil: In caſe it be found by the Country, that he did it in his Defence, or by Misfortune, then by the Report of the Juſtices to the King, the King ſhall take him to his Grace, if it pleaſe him. It is provided alſo, that no Appeal ſhall be abated ſo ſoon as they have been heretofore; but if the Appellor declare the Deed, the Year, the Day, the Hour, the Time of the King, and the Town where the Deed was done, the Appeal ſhall ſtand in

9 *Ed.* 3. *ſtat.* 1. *c.* 26. 3 *Ed.* 1. c. 11. 2 Inſt. 314. Kel. fo. 53. 108. Wood's Inſt. 628. Bulſtr. 80. *See* 2 Ed. 3. c. 2. *and* 14 *Ed.* 3. *ſtat.* 1. *c.* 15. *in what Caſes the King's Pardon ſhall be granted. And ſee the* 28 *Ed.* 3. *c.* 9. *which orders that no Writ ſhall be directed to a Sheriff to charge an Inqueſt to indict any.*

Regiſt. 134, 300.

‘ Effect, and ſhall not be abated for Default of freſh ‘ Suit, if the Party ſhall ſue within the Year and the ‘ Day after the Deed done.’

Ex Cotton *MS.* Veſpaſ. B. 7.

le fait fuſt fait *ſi eſtoiſe le appel Et mes ne ſoit appel abatu per defaute de freſche ſuite per quei qe homme ſue dedeinz lan & le jour apres le fait.*]

CAP. X.

The Huſband and Wife being impleaded, ſhall not fourch by Eſſoin.

Fitz. Eſſoin, 5. 62.
52 *H.* 3. *c.* 13. & 20.
3 Ed. 1. c. 43. & 44.
2 Inſt. 320.
See, for farther Regulations, Index, tit. Eſſoin.

“ WHereas it is contained in the Statute of the “ King that now is, that two Parceners, or two “ that hold in common, may not fourch by Eſſoin, “ after that they have once appeared in the Court:” ‘ It is provided, That the ſame be obſerved and kept, ‘ where a Man and his Wife be impleaded in the ‘ King’s Court.’

Ex Rot. in Turr. Lond.

CUM il ſeit contenu en le eſtatut le Rei qi ore eſt qe deus parceners ou deus qi tenent en commun ne puſſent fourcher par eſſoigne del houre qe il averunt une feiz aparu en curt Purveu eſt qe meſme ceo ſeit garde e tenu ou home e ſa femme ſunt empledez en la court le Rei.

CAP. XI.

A feigned Recovery againſt him in the Reverſion, to make the Termor loſe his Term.

2 Roll. 221, 222, 245.
Enforced by 21 H. 8. c. 15.
Co. Inſt. 46. a.
2 Inſt. 321.

‘ IT is provided alſo, That if any Man leaſe his Te- ‘ nement in the City of *London*, for Term of Years, ‘ and he to whom the Freehold belongeth, cauſeth ‘ himſelf to be impleaded by Colluſion, and maketh ‘ Default after Default, or cometh into the Court, and ‘ giveth it up, for to make the Termor loſe his Term, ‘ and the Demandant hath his Suit, ſo that the Termor ‘ may recover by Writ of Covenant: The Mayor ‘ and Bailiffs may inquire by a good Inqueſt, in the ‘ Preſence of the Termor and the Demandant, whe- ‘ ther the Demandant moved his Plea upon good Right ‘ that he had, or by Colluſion, or by Fraud to make ‘ the Termor loſe his Term: And if it be found ‘ by the Inqueſt, that the Demandant moved his Plea ‘ upon good Right that he had, the Judgment ſhall be ‘ given forthwith: And if it be found by Inqueſt, ‘ that he impleaded him by Fraud, to put the Termor ‘ from his Term, then ſhall the Execution of Judg- ‘ ment for the Demandant be ſuſpended until the ‘ Term be expired. And in like Manner it ſhall be ‘ of Equity before the Juſtices in ſuch Caſe, if the ‘ Termor do challenge it before the Judgement.’

Raſt. 81.

PUrveu eſt enſement en la Cite de Lundres qe ſi home baut ſon tenement a terme de anns e celui a qi le fraunc tenement eſt ſe face impleder par colluſiun e face defaute apres defaute ou veigne en Curt evoille rendre pur fere le termer perdre ſun terme e le tenaunt eit querele iſſi qe le termer puiſſe aver recoverer par bref de covenaunt le Meire e les baillifs puſſent enquere par bone viſne en la preſence del termer e del demaundaunt lequel le demaundaunt pleida par dreit qe il aveit ou par colluſiun ou par fraude pur fere le termer perdre ſun terme. E ſi trove ſeit par enqueſt qe le demaundaunt meuſt ſon plai par bon dreit qe il aveit ſi ſeit le jugement furni meintenaunt. E ſi trove ſeit qe il pleidaſt par fraude pur tolir le terme ad termer le executiun del jugement pur le demaundaunt ſeit ſuſpendu deſqe apres le terme paſſe. En meſme la manere ſeit fet de equite en tel cas devaunt Juſtices ſi le termer le chalange avaunt le jugement.

CAP. XII.

One impleaded in *London* voucheth Foreign Warranty.

Raſt. 240. 354.
Cokepla. f. 176.
2 Inſt. 324.
41 Ed. 3. f. 2.
Kel. f. 109.
Fitz. Reſceit, 106.

‘ IT is provided, That if a Man, impleaded for a ‘ Tenement in the ſame City, doth vouch a Fo- ‘ reigner to Warranty, that he ſhall come into the ‘ Chancery, and have a Writ to ſummon his Warran- ‘ tor at a certain Day before the Juſtices of the Bench, ‘ and another Writ to the Mayor and Bailiffs of *Lon- ‘ don*, that they ſhall ſurceaſe in the Matter that is be- ‘ fore them by Writ, until the Plea of the Warranty ‘ be determined before the Juſtices of the Bench: ‘ And when the Plea at the Bench ſhall be determined, ‘ then ſhall he that is vouched be commanded to go in- ‘ to the City, to anſwer unto the chief Plea. And a ‘ Writ ſhall be awarded at the Suit of the Demandant ‘ by the Juſtices unto the Mayor and Bailiffs, that they ‘ ſhall proceed in the Plea. And if the Deman- ‘ dant recover againſt the Tenant, the Tenant ſhall ‘ come before the Juſtices of the Bench, which ſhall ‘ direct a Writ to the Mayor and Bailiffs, that if the

PUrveu eſt enſement qe ſi home empleide de te- nement en meſme la cite vouche forein a ga- raunt qe il veigne a la Chauncelerie e eit bref a ſomounder ſun garaunt a certein jour devaunt les Juſtices del Baunc e un autre bref au Meire e as baillifs de Lundres qe il ſurſeſent a la parole qe eſt devaunt eus par bref deſqe ataunt qe la parole de la garauntie ſeit terminee devaunt les Juſtices du Baunk e quaunt la parole au Baunk ſerra terminee e ſerra dit al garaunt qe il voiſt en la cite e reſpoigne del chief plai e le demaundaunt par ſa ſuite eit bref des Juſtices du Baunk au Meire e as Baillifs qe il voiſent avaunt en la plai. E ſi le demaun- daunt recovre veigne le tenaunt as Juſtices du Baunk e eit bref al Meire e as Baillifs qe ſi le te-

Ex Rot. in Turr. Lond.

naunt eit ſa terre perdue qe il facent eſtendre la terre e returnent leſtent au Baunk a certein jor e apres ſeit maunde al viſcunte del pais ou le garaunt fu ſomouns qil lui face aver de la terre del garaunt a la vaillaunce.

‘ Tenant have loſt his Land, they ſhall cauſe the ‘ Land to be extended, and valued, and ſhall return ‘ the Extent at a certain Day into the Bench, and ‘ after it ſhall be commanded to the Sheriff of the ‘ Shire (where the Warrantee was ſummoned) that he ‘ ſhall cauſe him to have as much of the Land of the ‘ Warrantor in Value.’

Regiſt. 2. *Corrected by* 9 Ed. 1.

CAP. XIII.

No Waſte ſhall be made hanging a Suit for the Land.

PUrveu eſt enſement qe del houre qe plai ſerra meu en la Cite de Lundres par bref le tenaunt ne eit pas poer de fere waſt ne eſtreppement du tenement qi eſt en demaunde pendaunt le plai. E ceo face le Meire e les Baillifs garder a la ſuite del demaundaunt. E meſme le ordenement e ſtatut ſeit garde en autres cites e burgs e aillors par tut le reaume.

‘ IT is provided alſo, That after ſuch Time as a ‘ Plea ſhall be moved in the City of *London* by ‘ Writ, the Tenant ſhall have no Power to make any ‘ Waſte or Eſtrepement of the Land in demand ‘ (hanging the Plea), and if he do, the Mayor and ‘ Bailiffs ſhall cauſe it to be kept at the Suit of the ‘ Demandant. And the ſame Ordinance and Statute ‘ ſhall be obſerved in other Cities, Boroughs, and ‘ every where throughout the Realm.’

Raſt. pla. f. 317. 14 H. 7. f. 7. 10. Dyer, f. 325. 5 Co. 115. Godbolt 112. pl. 134. Regiſt. 76. 2 Inſt. 327.

See farther *Index, tit.* Waſte.

CAP. XIV.

A Citizen of *London* ſhall recover in an Aſſiſe Damages with the Land.

LE Rei graunte de ſa grace a Citeins de Lundres qe la ou avaunt ces houres ceus qi furent deſſiſi de fraunc tenement en meſme la Cite ne poeient recoverir lur damages avaunt venue des Juſtices a la Tour qe ceus deſeiſis deſoremes eient lur damages par la reconiſaunce de la aſſiſe par la quele il recovererent lur tenement e les deſeiſours ſeient amerciez devaunt deus Barons del Eſcheqer qi unefoiz par an vendrount en la Cite a ceo fere. E ceo ſeit maunde al Treſorer e as Baruns qe il facent cheſcun an par deus de eus apres lur lever de la Chaundelure, e les amerciemenz par ſomonuſe del Eſcheqer ſeient levez e al eus le Rei a le Eſcheqer livere.

‘ THE King of his ſpecial Grace granteth unto ‘ the Citizens of *London*, that whereas before- ‘ times they that were diſſeiſed of Freehold in the ſame ‘ City could not recover their Damages before the ‘ coming of the Juſtices to the Tower, that from ‘ henceforth the Diſſeiſees ſhall have Damages by Re- ‘ cognizance of the ſame Aſſiſe whereby they reco- ‘ vered their Lands. And the Diſſeiſors ſhall be ‘ amerced before Two Barons of the Exchequer, ‘ which ſhall reſort once a Year into the City to do it. ‘ And it ſhall be commanded unto the Barons and ‘ to the Treaſurer of the Exchequer, that they ſhall ‘ cauſe it every Year to be levied by Two of them at ‘ their riſing after *Candlemas*. And the Amercia- ‘ ments by Summons of the Exchequer ſhall be levied ‘ to the King’s Uſe, and be delivered at the Exchequer.’

2 Inſt. 329.

CAP. XV.

PUrveu eſt enſement qe le Meire e les Bailiffs avaunt la venue de ceus Baruns enquerrunt des vins venduz encountre la aſſiſe e le preſenterunt devaunt eus a lur venue e dunqe ſeient amerciez la ou il ſoleient atendre la venue des Juſtices. Done a Glouceſtre le dimeins prochein apres la feſte ſein Pere a la goule de Auſt le an avauntdit.

In Wines, Raſt. 1.

An Expoſition of the ſaid Statute of Glouceſter, *made alſo* Anno 6 EDWARDI I.

Cotton *MS. Claudius*, D. 2.

POſtmodum per Dominum Regem & Juſtic’ ſuos facte ſunt quedam explanationes quorumdam articulorum ſuperius poſitorum videlicet Ad primum articulum ubi illi qui habent ingreſſum per diſſeiſinam currant dampna a tempore ſtatuti publicati. Eodem modo de brevibus de ingreſſu ſuper diſſeiſinam.

De dampnis in omnibus brevibus mortis anteceſſoris conſanguinitatis avi proavi de intruſione vel de facto proprio per quodcumque breve currant

‘ AFTER, by the King and his Juſtices, certain ‘ Expoſitions were made upon ſome of the ‘ Articles above mentioned, that is to wit, To ‘ the firſt Article, for Entries by Diſſeiſin, Damages ‘ ſhall run from the Time of the Statute publiſhed. ‘ In the ſame wiſe in Writs of Entry upon Diſ- ‘ ſeiſin, and in all Writs of *Mortdaunceſter*, *Coſinage*, ‘ *Aiel*, or *Beſaiel*, of Intruſion by one’s own Act by ‘ any manner of Writ, Damages ſhall run after the ‘ Writ purchaſed againſt them that held by Statute, ‘ albeit

Stat. Glouceſt. cap. 1. 2. 3.

Stat. Glouceſt. cap. 4.

‘ albeit their Anceſtors died ſeiſed thereof. Touching an Inqueſt to be made of ſuch as be within Age, the Statute ſhall run without Limitation of Time.

5. ‘ Touching Alienation of Lands holden by the Law of *England*, the Statute ſhall run for ſuch Lands being aliened after the Time of the Statute publiſhed.

6. ‘ In like Manner the Statute ſhall extend and run upon the Lands of a Wife aliened by her Huſband whereas no Fine was levied thereof in Court.

7. ‘ Touching Lands being let in Fee-ferm, to pay therefore yearly the fourth Part of the very Value thereof, the Statute ſhall run as well unto Lands that were leaſed before the making of the Statute, as after, in caſe that the Tenant have withholden above the Space of two Years, after the Statute publiſhed, ſo much as he ſhould have paid to his Leſſor yearly according to the Form of the Covenant.

8. ‘ And as to the Puniſhment of Waſte in all Caſes (except it be of Dowers and Wards) it ſhall be underſtood of

9. ‘ Waſtes done ſithence the Statute publiſhed. And of the Forfeiture of Treble in Caſes of Waſtes of Dowers and Wardſhips, it ſhall be underſtood of Waſtes committed after the Statute publiſhed.

10. ‘ And as concerning them which do aliene their Dowers, it is to be underſtood after the publiſhing of

11. ‘ the Statute. Given at *Glouceſter* the *Sunday* next after the Feaſt of Saint *Peter ad vincula*, the ſixth Year of the Reign of King *Edward* the Firſt.’

Cotton *MS.* *Claudius*, D. 2.

dampna poſt impetrationem brevium contra eos qui tenuerunt poſt ſtatutum licet anteceſſores ſui prius inde obierint ſeiſiti. De inquiſicione facienda que tangit illos qui ſunt infra etatem currat ſtatutum ſine temporis limitacione. De terris alienatis per illos qui tenent per legem Anglie currat ſtatutum de hujuſmodi terris alienatis poſt ſtatutum illum publicatum.

Eodem modo currat ſtatutum de terris uxoris alienatis per virum ubi finis non eſt levatus.

De terris dimiſſis ad feodi firmam reddendo inde annuatim quartam partem veri valoris currat ſtatutum tam de terris dimiſſis ante ſtatutum quam poſt ſtatutum dum tamen tenens detinuerit ultra duos annos poſt ſtatutum editum id quod ſolvere debuit dimiſſori per annum juxta ſcriptum convencionis illius.

De pena vaſti in omnibus preterquam in dotibus et cuſtodiis intelligatur de vaſtis factis poſt ſtatutum. Et in pena reddendi triplum in caſibus vaſti de cuſtodiis et dotibus intelligatur de vaſtis factis poſt ſtatutum.

De illis qui alienant dotem ſuam intelligatur poſt ſtatutum. Dat’ apud Glouc’ die dominica proxima poſt feſtum ſancti Petri ad vincula Anno regni Regis Edwardi ſexto.

A Statute of Quo Warranto, *made at* Glouceſter, *Anno* 6 EDW. I.[a]

Claiming and uſing of Liberties, and Cauſes to ſeiſe them into the King’s Hands. Complaint of Officers.

2 Inſt. 279. b. Kel. 150. pl. 1.

‘ THE Year of our Lord M.CC.LXX.VIII. the Sixth Year of the Reign of King EDWARD, at *Glouceſter*, in the Month of *Auguſt*, the King himſelf providing for the Wealth of his Realm, and the more full Miniſtration of Juſtice, as to the Office of a King belongeth (the more diſcreet Men of the Realm, as well of high as of low Degree, being called thither) it is provided and ordained; That whereas the Realm of *England* in divers Caſes, as well upon Liberties as otherwiſe, wherein the Law failed, to avoid the grievous Damages and innumerable Diſheriſons that the Default of the Law did bring in, had Need of divers Helps of new Laws, and certain new Proviſions, theſe Proviſions, Statutes, and Ordinances under-written, ſhall from henceforth be ſtraitly and inviolably obſerved of all the Inhabitants of his Realm. And whereas Prelates, Earls, Barons, and other of our Realm, that claim to have divers Liberties, which to examine and judge, the King has prefixed a Day to ſuch Prelates, Earls, Barons, and other; it is provided and likewiſe agreed, That the ſaid Prelates, Earls, Barons, and other, ſhall uſe ſuch Manner of Liberties, after the Form of the Writ here following.

A Writ to the Sheriff to permit all Men to enjoy thoſe Liberties which they had before.

II. Rex vic’ ſalutem. Cum nuper in parliamento noſtro apud Weſtmonaſterium, per nos & concilium noſtrum proviſum ſit & proclamatum, quod prelati, comites, barones, & alii de regno noſtro, qui diverſas libertates per chartas progenitorum noſtorum regnum Anglie habere clamant, ad quas examinandas & judicandas diem præfixerimus in eodem parliamento, libertatibus illis taliter uterentur, quod nihil ſibi per uſurpationem ſeu occupationem accreſcerent, nec aliquid ſuper nos occuparent. Tibi precipimus, quod omnes illos de comitatu tuo libertatibus ſuis, quibus hucuſque rationabiliter uſi ſunt, uti & gaudere permittas in forma prædicta, uſque ad proximum adventum noſtrum per comitatum prædictum, vel uſque ad proximum adventum juſticiariorum itinerantium ad omnia placita in comitatu, vel donec aliud inde præceperimus: ſalvo ſemper jure noſtro cum inde loqui voluerimus. Teſte, &c.

‘ III. In like Manner and in the ſame Form Writs ſhall be directed to Sheriffs and other Bailiffs for every Demandant, and the Form ſhall be changed after the Diverſity of the Liberty which any Man claimeth to have, in this wiſe:’

A Proclamation that they which claim Liberties, ſhall ſhew to the Juſtices how they hold them.

IV. Rex vic’ ſalutem. Præcipimus tibi, quod per totam ballivam tuam, videlicet, tam in civitatibus, quam in burgis, & aliis villis mercatoriis, & alibi, publice proclamari facias, quod omnes illi qui aliquas libertates per chartas progenitorum noſtrorum regum Angliæ, vel alio modo, habere clamant, ſint coram juſticiariis noſtris ad primam aſſiſam, cum in partes illas venerint, ad oſtendendum quomodo hujuſmodi liber-

[a] This is a Tranſlation of the firſt Part of the Statute of *Glouceſter*, as entered on the Roll, and has been printed in the former Editions by Miſtake, as of 30 *Edw.* I.

tates

tates habere clamant, & quo warranto, & tu ipſe ſis ibidem perſonaliter una cum ballivis & miniſtris ad certificandum ipſos juſticiarios ſuper his & aliis negotiis illud tangentibus.

'V. This Clauſe of Liberties, that beginneth in this wiſe, *Præcipimus tibi, quod publice proclamari facias, &c.* is put in the Writ of common Summons of the Juſtices in Eyre, and ſhall have a promonition by the Space of forty Days, as the common Summons hath; ſo that if any Party that claimeth to have a Liberty, be before the King, he ſhall not be in Default before any Juſtices in their Circuits; for the King of his ſpecial Grace hath granted, that he will ſave that Party harmleſs as concerning that Ordinance. And if the ſame Party be impleaded upon ſuch manner of Liberties before one or two of the foreſaid Juſtices, the ſame Juſtices, before whom the Party is impleaded, ſhall ſave him harmleſs before the other Juſtices; and ſo ſhall the King alſo before him, when it ſhall appear by the Juſtices, that ſo it was in Plea before them as is aforeſaid. And if the foreſaid Party be afore the King, ſo that he cannot be the ſame Day afore the ſaid Juſtices in their Circuits, the King ſhall ſave that Party harmleſs before the foreſaid Juſtices in their Circuits for the Day, whereas he was before the King. And if he do not come in at the ſame Day, then thoſe Liberties ſhall be taken into the King's Hands in Name of Diſtreſs, by the Sheriff of the Place, ſo that they ſhall not uſe them until they come to anſwer before the Juſtices; and when they do come in by Diſtreſs, their Liberties ſhall be repleviſed (if they demand them), in the which Replevins they ſhall anſwer immediately after the Form of the Writ aforeſaid; and if percaſe they will challenge, and ſay that they are not bounden to anſwer thereunto without an original Writ, then if it may appear by any mean, that they have uſurped or occupied any Liberties upon the King, or his Predeceſſors, of their own Head or Preſumption, they ſhall be commanded to anſwer incontinent without Writ, and moreover they ſhall have ſuch Judgment as the Court of our Lord the King will award; and if they will ſay further that their Anceſtors died ſeiſed thereof, they ſhall be heard, and the Truth ſhall be inquired incontinent, and according to that Judgment ſhall be given; and if it appear that their Anceſtors died ſeiſed thereof, then the King ſhall award an Original out of the Chancery in this Form:' Rex vic' ſalutem. Sum' per bonos ſummon' talem, quod ſit coram nobis apud talem locum in proximo adventu noſtro in com' prædict' vel coram juſticiariis noſtris ad proximam aſſiſam, cum in partes illas venerint, oſtenſurus quo warranto tenet viſum francipleg' in manerio ſuo de N. *vel ſic*, quo warranto tenet hundredum de S. in com' predict'; *vel*, quo warranto clamat habere thelonium pro ſe & hæredibus ſuis per totum regnum noſtrum; & habeas ibi hoc breve. Teſte, &c. 'And if they come in at the ſame Day, they ſhall anſwer, and Replication and Rejoinder ſhall be made; and if they do not come, nor be eſſoined before the King, and the King do tarry longer in the ſame Shire, the Sheriff ſhall be commanded to cauſe them to appear the fourth Day; at which Day if they come not, and the King be in the ſame Shire, ſuch Order ſhall be taken as in the Circuit of Juſtices; and if the King depart from the ſame Shire, they ſhall be adjourned unto ſhort Days, and ſhall have reaſonable Delays according to the Diſcretion of the Juſtices, as it is uſed in perſonal Actions. Alſo the Juſtices in Eyre in their Circuits ſhall do according to the foreſaid Ordinance, and according as ſuch Manner of Pleas ought to be ordered in the Circuit. Concerning Complaints made and to be made of the King's Bailiffs, and of other, it ſhall be done according to the Ordinance made before thereupon, and according to the Inqueſts taken thereupon heretofore; and the Clauſe ſubſcribed ſhall be put in a Writ of common Summons in the Circuit of the Juſtices aſſigned to common Pleas directed to the Sheriff, *&c.* and that ſhall be ſuch:' Rex vic' ſalutem. Præcipimus tibi, quod publice proclamari facias, quod omnes conquerentes, ſeu conqueri volentes, tam de miniſtris & aliis ballivis noſtris quibuſcunque, quam de miniſtris & ballivis aliorum quorumcunque, & aliis, veniant coram juſticiariis noſtris ad primam aſſiſam, ad quaſcunque querimonias ſuas ibidem oſtendendas, & competentes emendas inde recipiendas ſecundum legem & conſuetudinem regni noſtri, & juxta ordinationem per nos inde factam, & juxta tenorem ſtatutorum noſtrorum, & juxta articulos iiſdem juſticiariis noſtris inde traditos, prout prædicti juſticiarii tibi ſcire faciant ex parte noſtra. Teſte meipſo, &c. decimo die Decembris, anno regni noſtri, &c.

Liberties ſeiſed into the King's Hands in the Name of Diſtreſs.

A Quo Warranto for a Leet or other Liberty.

A Proclamation, that all, who will complain of the King's Officers, ſhall ſhew their Griefs to the Juſtices.

A Statute 30 die Octobris, Anno 7 EDWARDI I. *Stat.* 1. *and* Anno Dom. 1279.

To all Parliaments and Treatiſes every Man ſhall come without Force and Arms[a].

Cotton *MS. Claudius*, D. 2.

EDWARD par la grace de Dieu Roi Dengleterre Seignur Dirland & Duc Daquit' A ſes Juſtices du Baunk ſaluz.

Come nadgairs devant certeins perſons deputez a treter ſur aſcuns debates euz entre nous & aſcuns des grauntz de noſtre roialme entre autres choſes fuiſt accorde qen noſtre proſchein parlement apres purveiaunces fait per nous & le comune Aſſentement des Prelates Countes Barouns qen toutes Parlementz tretementz & autres aſſemblez qe ſe ferront en le roialme Dengleterre a touz jours qe homme viegne ſaunz tote force & ſanz armes bien

"EDWARD by the Grace of God, King of "*England*, Lord of *Ireland*, and Duke of *Aquitain*, to the Juſtices of his Bench ſendeth "Greeting. Whereas of late before certain Perſons "deputed to treat upon ſundry Debates had between "us and certain great Men of our Realm, amongſt "other Things it was accorded, That in our next "Parliament, after Proviſion ſhall be made by us, "and the common Aſſent of the Prelates, Earls, and "Barons, that in all Parliaments, Treatiſes, and "other Aſſemblies, which ſhould be made in the "Realm of *England* for ever, that every Man ſhall

[a] This is taken from the *Secunda Pars Veterum Statutorum*, and is in all the Engliſh Editions.

"come

" come without all Force and Armour, well and peace-
" ably, to the Honour of us, and the Peace of us and
" our Realm. And now in our next Parliament at
" *Weſtminſter*, after the ſaid Treatiſe, the Prelates,
" Earls, Barons, and the Commonalty of our Realm,
" there aſſembled to take Advice of this Buſineſs,
" have ſaid, that to us it belongeth, and our Part is,
" through our Royal Seigniory, ſtraitly to defend
" Force of Armour, and all other Force againſt
" our Peace, at all Times when it ſhall pleaſe us, and
" to puniſh them which ſhall do contrary, according
" to our Laws and Uſages of our Realm; and here-
" unto they are bound to aid us as their Sovereign
" Lord at all Seaſons, when Need ſhall be." ' We
' command you, that ye cauſe theſe Things to be
' read afore you in the ſaid Bench, and there to be
' enrolled. Given at *Weſtminſter*, the thirtieth Day
' of *October*, in the ſeventh Year of our Reign.'

Enforced by 2 Ed. 3. c. 3. 7 R. 2. c. 13. *and* 20 R. 2. c. 1.

Cotton *MS. Claudius*, D. 2.

& peiſiblement al Honour de nous & de la pees de nous & de noſtre roialme & ja en noſtre proſchein Parlement a Weſtmonſtre apres le dit tretis les Prelates Countes & Barouns & le comunalte de noſtre roialme illoeqes aſſembles en aviſement ſur ceſte buſoigne nous eient dit qe a nous appent & devons per noſtre roiale Seignurie defendre forte-ment des armes & toute autre force countre noſtre pees a toutes le foitz qe nous plerra & punir ceux qi countre viendrent ſelonc les leies & les uſages de noſtre roialme.

Et qe a ceo ſount ils tenuz de nous eider come lour bone Seignur toutes le foitz qe mieſter ſerra Vous maundons qe ceſtes choſes facez lire devant vous en dit Baunk & illoeqes enrouller. Don' a Weſtm' le xxx. jour Doctobr' lan de noſtre Regne ſeptiſme.

A Statute of Mortmain, *made* 15 Novemb. Anno 7 EDW. I. Stat. 2. *and* Anno Dom. 1279.

Who ſhall take the Forfeiture of Lands given in *Mortmain*.

9 *H.* 3. *ſtat.* 1. c. 36. 1 Roll 154, 157, 457. 2 Roll 170. 9 H. 3. ſtat. 1. & 2. c. 36. 8 H. 4. 15. 41 Ed. 3. 16, 21. 47 Ed. 3. 11. Bro. Mortmain, 15, 16, 18, 20, 24, 27, 31, 38, 39, 41, 43. 50 Ed. 3. 22. Fitz. Mortmain, 13 Co. Lit. 2. b. 15 Ed. 4. 13. Fitz. Formedon, 57. Fitz. Quare imp. 163.

" THE King to the Juſtices of his Bench greet-
" ing, where of late it was provided, That
" Religious Men ſhould not enter into the
" Fees of any without Licence and Will of the chief
" Lord, of whom ſuch Fees be holden immedi-
" ately; and notwithſtanding ſuch Religious Men
" have entered as well into their own Fees, as into the
" Fees of other Men, approprying and buying them,
" and ſometime receiving them of the Gift of others,
" whereby the Services that are due of ſuch Fees,
" and which at the Beginning were provided for De-
" fence of the Realm, are wrongfully withdrawn,
" and the chief Lords do leeſe their Eſchetes of the
" ſame:" ' We therefore to the Profit of our Realm,
' intending to provide convenient Remedy, by the
' Advice of our Prelates, Earls, and other liege Men
' of our Kingdom, being of our Council, have
' provided, made, and ordained, That no Perſon, Re-
' ligious or other, whatſoever he be that will, buy or
' ſell any Lands or Tenements, or under the Colour of
' Gift or Leaſe, or that will receive by reaſon of any
' other Title, whatſoever it be, Lands or Tenements,
' or by any other Craft or Engine will preſume to ap-
' propre to himſelf, under Pain of Forfeiture of the
' ſame, whereby ſuch Lands or Tenements may any
' wiſe come into Mortmain. We have provided alſo,
' That if any Perſon, Religious or other, do pre-
' ſume either by Craft or Engine to offend againſt this
' Statute, it ſhall be lawful to us and other chief Lords
' of the Fee immediate, to enter into the Land ſo
' aliened, within a Year from the Time of the
' Alienation, and to hold it in Fee as an Inheritance.
' And if the chief Lord immediate be negligent, and
' will not enter into ſuch Fee within the Year, then it
' ſhall be lawful to the next chief Lord immediate of
' the ſame Fee to enter into the ſame Land within half
' a Year next following, and to hold it as before is
' ſaid; and ſo every Lord immediate may enter into
' ſuch Land, if the next Lord be negligent in enter-
' ing into the ſame Fee, as is aforeſaid. And if all
' the chief Lords of ſuch Fees, being of full Age,

No Land ſhall be aliened in Mortmain upon Pain of the Forfeiture thereof. 2 Bulſtr. 187. 3 Bulſtr. 45.

Who ſhall take the Benefit of the Forfeiture.

Ex Rot. in Turr. Lond. *m.* 47.

REX Juſtic' ſuis de Banco ſalutem. Cum dudum proviſum fuiſſet quod viri religioſi feoda aliquorum non ingrederentur ſine licentia & voluntate capitalium dominorum de quibus feoda illa immediate tenentur & viri religioſi poſtmodum nichilominus tam feoda ſua propria quam aliorum hactenus ingreſſi ſint ea ſibi appropriando & emendo & aliquando ex dono aliorum recipiendo per quod ſervicia que ex hujuſmodi feodis debentur & que ad defenſionem regni ab initio proviſa fuerunt indebite ſubtrahuntur & domini capitales eſcaetas ſuas inde amittunt. Nos ſuper hoc pro utilitate regni congruum remedium provideri volentes de conſilio Prelatorum Comitum & aliorum fidelium regni noſtri de conſilio noſtro exiſtentium providimus ſtatuimus & ordinavimus quod nullus religioſus aut alius quicumque terras aut tenementa aliqua emere vel vendere aut ſub colore donationis aut termini vel alterius tituli cujuſcumque ab aliquo recipere aut alio quovis modo arte vel ingenio ſibi appropriare preſumat ſub forisfactura eorumdem per quod ad manum mortuam terre & tenementa hujuſmodi deveniant quoquo modo. Providimus etiam quod ſi quis religioſus aut alius contra preſens ſtatutum aliquo modo arte vel ingenio venire preſumpſerit liceat nobis & aliis immediatis capitalibus dominis feodi taliter alienati illud infra annum a tempore alienationis hujuſmodi ingredi & tenere in feodo & hereditate. Et ſi capital' dominus immediatus negligens fuerit & feod' hujuſmodi ingredi noluerit infra annum tunc liceat proximo capitali domino mediato feodi illius infra dimidium annum ſequentem feodum illud ingredi & tenere ſicut predictum eſt & ſic quilibet dominus mediatus faciat ſi propinquior dominus in ingrediendo hujuſmodi feod' negligens fuerit ut predictum eſt. Et ſi omnes hujuſmodi capitales domini hujuſmodi feodi qui plene fuerint etatis & infra quatuor maria & extra priſonam per unum annum negligentes vel remiſſi fuerint in hac parte nos

ſtatim

Ex Rot. in Turr. Lond. *m.* 47.

ſtatim poſt annum completum a tempore quo hujuſmodi emptiones donationes aut alias appropriationes fieri contigerit terras & tenementa hujuſmodi capiemus in manum noſtram & alios inde feoffabimus per certa ſervicia nobis inde ad defenſionem regni noſtri facienda ſalvis capitalibus dominis feodorum illorum wardis eſcaetis & aliis ad ipſos pertinentibus ac ſerviciis inde debitis & conſuetis. Et ideo vobis mandamus quod ſtatutum predictum coram vobis legi & decetero firmiter teneri & obſervari faciatis. T. R. apud Weſt' xv. die Novembr' anno &c. ſeptimo.

'within the four Seas, and out of Priſon, be negligent or ſlack in this Behalf, for one whole Year, we, immediately after the Year accompliſhed, from the Time that ſuch Purchaſes, Gifts, or Appropriations hap to be made, ſhall take ſuch Lands and Tenements into our Hand, and ſhall infeoff other therein by certain Services to be done to us for the Defence of our Realm; ſaving to the chief Lords of the ſame Fees their Wards and Eſchetes, and other Services thereunto due and accuſtomed. And therefore we command you, that ye cauſe the foreſaid Statute to be read before you, and from henceforth to be kept firmly and obſerved. Witneſs my ſelf at *Weſtminſter* the Fifteenth Day of *November*, the Seventh Year of our Reign.'

Enforced and amended by 13 Ed. 1. ſtat. 1. tit. *Mortmain*.

c. 32. 18 *Ed.* 3. *ſtat.* 3. *c.* 3. 34 *Ed.* 1. *ſtat.* 3. *See* Index,

A Statute made 2 Maii, Anno 9 Edw. I. *and* A. D. 1281.

A Correction of the Twelfth Chapter of the Statute of *Glouceſter*, touching calling Foreigns to Warranty in *London*[a].

Cotton *MS. Claudius*, D. 2.

PUrveu eſt enſement qe ſi homme emplede en la Citee de Londres vouche forein a garant le Meir & les Baillifs ajournent les Parties devant Juſtices de Baunk a certein jour & envoient la lour recorde & les Juſtices facent ſomondre le garraunt devaunt eux & pledent le garrantie & le Meir & les Baillifs endementers ſurſeſent a la parole qeſt devaunt eu per brief jeſqes a taunt qe la parole de la garantie ſoit termine devaunt Juſtices du Baunk & quaunt la parole ſerra termine au Baunk ſerra dit al garant qil voiſt en la Citee & reſpoigne du chief plee.

E le demandaunt per ſa ſuite eit brief des Juſtices du Baunk a Meir & as Baillifs qils voiſent avaunt en la plee.

Et ſi le demandaunt recovere veigne le tenant as Juſtices du Baunk & eit brief al Mier & as Baillifs qe ſi le tenant eit ſa terre perdu qils facent eſtendre la terre & retournent leſtent au Baunk a certein jour apres ſoit mande a Viſcounte du pais ou le garant feuſt ſomons qil face aver de la terre du garant a la vaillaunce.

Et ſil avient qe le tenant face defaute al jour qe lui eſt done al Baunk donqes iſtra brief des Juſtices du Baunk au Meir & as Baillifs de prendre le tenement demande en le meyn le Roi per le petit cape & de ſomondre le tenant qil ſoit al Huſting au certein jour dount les Juſtices ſerront aviſez a rendre jugement de cel defaute ſil ne la puiſſe ſauver.

Et ſi la puiſſe ſauver adonqes ſoient les Juſtices de ceo certifiez per lour record.

Et les Juſtices per lour record pledent la garantie.

Memorand' quod iſte articulus in forma predicta conſignatus fuit ſub magno ſigillo Domini E. R. fil.

'IT is provided alſo, That if one being impleaded in the City of *London*, do vouch a Foreign to Warranty, the Mayor and the Bailiffs ſhall adjourn the Parties before the Juſtices of the Bench at a certain Day, and ſhall ſend their Record thither; and the Juſtices ſhall cauſe the Warrantor to be ſummoned before them, and ſhall try the Warranty; and the Mayor and the Bailiffs in the mean Time ſhall ſurceaſe in the Matter that dependeth afore them by Writ, until ſuch Time as the Warranty be determined before the Juſtices of the Bench; and when the Matter ſhall be determined in the Bench, Commandment ſhall be given to the Vouchee to depart into the City, and to anſwer the firſt Plea; and the Demandant, at his Suit, ſhall have a Writ from the Juſtices of the Bench, unto the Mayor and Bailiffs, that they ſhall proceed in the Plea. And if the Demandant recover, the Tenant ſhall come to the Juſtices of the Bench, and have a Writ to the Mayor and Bailiffs, that in caſe the Tenant have loſt his Land, they ſhall cauſe it to be extended, and return the ſame Extent unto the Bench at a certain Day. And after, it ſhall be commanded to the Sheriff of the Shire, where the Warranty was ſummoned, that he ſhall cauſe the Tenant to have of the Lands of the Warrantor to like Value. And if it fortune that the Tenant make Default at the Day that is aſſigned him in the Bench, then ſhall there go forth a Writ from the Juſtices of the Bench to the Mayor and Bailiffs, to ſeiſe the Land demanded into the King's Hands by a *Petit Cape*, and to ſummon the Tenant, that he be at the Huſtings at a certain Day, whereat the Juſtices ſhall be adviſed to give Judgement upon the ſame Default, if he cannot ſave it; and in caſe he can ſave it, then the Juſtices ſhall be certified thereof by their Record, and by the ſame Record they ſhall plead the Warranty.

The Manner of proceeding, when Foreigns be vouched to Warranty in London.

6 Ed. 1. ſtat. 1. & 2. c. 12.

Raſt. 240, 354, &c. Co. Ent. 176.

'II. It is to be remembered, that this Article in Form aforementioned, was ſigned under the Great Seal of King Edward, Son of King Henry*, in

* *Qu. Edward.*

[a] This is taken from the *Secunda pars veterum ſtatutorum*, and is in all the Engliſh Editions.

'the ninth Year of his Reign, and ſent unto the Juſtices of the Bench after the Manner of a Writ Patent, with a certain Writ cloſed, dated by the King's Hand at *Weſtminſter* the Second Day of *May*, the Year before mentioned, that they ſhould do and execute all and every Thing contained in the Article aforeſaid, albeit that the ſame do not accord with the Statute of *Glouceſter* in all Things.'

Cotton *MS.*

R. E. Anno Regni ſui nono & miſſus Juſtic' de Banco in modum litere patentis cum quodam brevi clauſo ſub data Regis apud Weſtm' ſecundi diei Maii Anno predicto quod ipſi omnia & ſingula in articulo predicto contenta facerent & exequerentur non obſtante quod articulus ille in omnibus cum dicto ſtatuto non concordat.

A new Statute of the Exchequer, called

The Statute of RUTLAND, *made* 24 Maii, Anno 10 EDW. I. *and* Anno Dom. 1282.

Touching the Recovery of the King's Debts [a].

Raſt. 2. 4 Inſt. 113, 115.

"THE King to his Treaſurer and Barons of the Exchequer, Greeting." 'To the Intent that Proviſion may be had for the Idempnity of us and our People, in certain Things touching us and our People aforeſaid, in our ſaid Court of Exchequer, we will and provide, That from henceforth the Bodies of Shires ſhall not be written in ſeveral Rolls, but ſhall be written in a certain annual Roll by themſelves, and ſhall be ready every Year upon the Accompts of Sheriffs, that is to wit, in ſeveral Counties, that it may be known if ought may accrue unto us by any Mean. The Remanents of the Ferms of the ſame Shires † *ſhall be written* poſt terras datas *in the annual Rolls*, and the Sheriffs ſhall be charged therewith; in which Remnants the Liveries and Alms aſſigned ſhall be allowed, and other Allowances (if Sheriffs have had any) of the Iſſues of their Bailiwicks by our Writs. And becauſe of the Suggeſtion of our Bailiffs, our Writs are made of divers Allowances, unto our grievous Damage, we will and provide, That of ſuch Manner Allowances ſo to be made, from henceforth View ſhall be made in our Exchequer; and the ſame View being faithfully made, the ſame Treaſurer and Barons ſhall certify our Chancellor of the due Allowances ſo to be made, and that Writs of Allowances ſhall be made according to the ſame Certificate. Moreover, there ſhall be written in the ſame annual Rolls the Ferms of the Sheriffs, the Profits of Counties, the Ferms of Serjeanties and Aſſerts, the Ferms of Cities, Boroughs, Towns, and other Ferms, whereof there is Anſwer made yearly in the Exchequer. And in them alſo ſhall be written all Debts determined, all groſs Debts, whereof there is hope that ſomewhat ſhall be paid, and all other Debts that ſeem to be clear; but when it is come unto accompt to the Title of New Duties, nothing ſhall be written in the annual Roll, but thoſe Debts whereof there is hope of Payment, and whereof the Sheriff is anſwerable, and Debts found in the Originals, which ſeem to be clear.

51 *H.* 3. *ſtat.* 5.

The Bodies of Shires. Annual Rolls.

† Qu. *ſhall be written in annual Rolls of ſubſequent Dates.*

A Roll of deſperate Debts.

'II. Of dead Ferms, and Debts deſperate, whereof there is no hope, one Roll ſhall be made, and ſhall be inrolled, and read every Year upon the

Cotton *MS. Veſpaſian*, B. 7.

REX Thes' & Baron' ſuis de Scaccario ut in dempnitati noſtre & populi noſtri in aliquibus que nos & populum predictum in Scaccario predicto contingunt proſpiciatur volumus & providemus quod non ſcribantur de cetero corpora Comitatuum in Rotulis ſingulis ſet ſcribantur in quodam Rotulo annuali per ſe & legantur ſingulis annis ſuper compotum Vic ſingula viz. in ſingulis Comitatibus ut ſciatur ſi quid nobis poſſit accidere ex quacunque cauſa Remanentia vero eorundem Comitatuum per poſteras datas ſcribantur in rotulis annualibus & onerentur inde Vic' in quibus quidem remanentibus allocentur liberationes ac eleemoſine conſtitute & alie allocationes ſi quas Vic' habuerit de exitibus ballive ſue ſuper brevia noſtra. Et quia ad ſuggeſtionem diverſorum ballivorum fiunt brevia noſtra de diverſis allocationibus in grave dampnum noſtrum; volumus & providemus de hujuſmodi allocationibus ſic faciendis de cetero fiat viſus in Scaccario noſtro & hujuſmodi viſu fideliter facto iidem Thes' & Baron' certificent Cancellario noſtro de dictis allocationibus ſic factis & fiant brevia de allocatonbus juxta certificationem predictam. Scribantur etiam in eiſdem rotulis annualibus firme Vic' proficua Comitatuum firme ſeriantiarum & aſſertorum firme Civitatum Burgorum & Villarum & alie firme de quibus reſponſum eſt annuatim ad ſcaccarium predictum; & ſcribantur in eiſdem omnia debita atterminata, & omnia groſſa debita, de quibus ſpes eſt quod aliquid inde reddi poſſit. Item omnia debita que videntur eſſe clara. Cum vero perventum fuerit in compoto ad titulum de Novis oblationibus, nichil ſcribatur in rotulo annuali, niſi ea de quibus eſt ſpes, & de quibus Vic' reſpondebit, & debita in originalibus que videntur eſſe clara.

De firmis vero mortuis, & debitis de quibus non eſt ſpes, fiat unus rotulus; & irrotulentur & legantur ſingulis annis ſuper compotum Vic' & debita de

[a] This is taken from *Secunda pars, &c.* into the Engliſh Editions.

Cotton *MS. Veſpaſian*, B. 7.

quibus Vic' reſpondebit ſcribantur in rotulo annuali, & ibi acquietentur.

Item volumus & providemus, quod proclametur in ſingulis Comitatibus quod omnes illi qui habent tallias de Scaccario de debitis ſuis, vel anteceſſorum ſuorum, ibidem hactenus ſolutis, & nondum allocatis, que adhuc veniunt in ſummonitione Scaccarii, liberentur hujuſmodi tallie Vic' ſuis allocande ad Scaccarium ſuper compotis ſuis, & Vic' predicti faciant illis a quibus tallias ſic receperint ſcripta ſua teſtificantia receptionem talliarum illarum ſummam & occaſionem debitorum.

Interſint etiam receptioni talliarum illarum duo fideles Milites ad hoc deputandi, inter quos & prefatum Vic' fiant cirographa de hujuſmodi receptionibus, ſigillis eorum alternatim munita.

Prefati vero Milites ad hoc deputati mittant ad Scaccarium ad terminum ſtatutum partes ſuas cirographorum predictorum in forma predicta, ut per viſum & teſtimonium eorundem dicte tallie per Vic' ſic recepte exibeantur & ſuper compotis ſuis allocentur.

Proclametur etiam, quod niſi illi qui habent hujuſmodi tallias exhibeant Vic' & Militibus ut predictum eſt exequendas, diſtringantur pro toto debito, & quod tallie predicte pro non ſolutis reputabuntur.

Item ut debita que adhuc veniunt ad ſummonitionem Scaccarii unde debitores proferunt tallias contra diverſos Vic' depurentur & acquietentur.

Providemus etiam, quod aliqui ad hoc aſſignandi ex parte noſtra mittantur in ſingulis Com' qui habeant poteſtatem plenam inquirendi de hujuſmodi debitis, & etiam vocandi coram eis ſolempniter tam Vic' quam heredes & aſſignatos & tenentes terrarum eorum, ſi ipſi mortui fuerint, qui hujuſmodi debita receperint, & etiam procedendi ad hujuſmodi inquiſ. capiend. ſi neceſſe fuerit cum partes contra quas predicte tallie oſtenſe fuerint venerint, cum non, teſtificata prius per Vic' ſummonitione eis rationabiliter inde facta & inquiſita & diſcuſſa in preſentia partium ſi intereſſe voluerint veritate, faciant inquiſitores rotulos de omnibus coram eis convictis & conceſſis; & irrotulatis predictis debitis, ſtatim frangantur tallie eorundem. Et Vic' habeant penes ſe ſub ſigillis inquiſitorum tranſcripta rotulorum predictorum & ſuper ſedeant diſtrictionibus faciendis pro debitis in eiſdem contentis donec aliud a nobis inde habuerint in mandatis. Prefati vero inquiſitores mittant ad Scaccarium ſub ſigillis ſuis rotulos ſuos predictos, ut ibi ſcrutin. inde faciend. examinentur que debita ſunt in toto & que in parte ſoluta, & que non, & acquietentur debitores ſecundum quod per curiam fuerit faciend.

Item volumus & providemus, quod camerarii non faciant de cetero vic' ſeu eorum quibuſcumque ballivis, tallias dividendi, niſi receptis ab eis prius particulis, ſummas & occaſiones debitorum et nomina ea ſolventium continentibus, in quas

'Accompt of Sheriffs; and the Debts whereof the 'Sheriffs are anſwerable ſhall be written in the annual 'Roll, and there ſhall be acquitted.

Tallies for Debts.

'III. Moreover, we will and provide, That it ſhall 'be proclaimed in every County, that all they that 'have Tallies of the Exchequer, for the Debts of 'themſelves or their Anceſtors, hitherto paid uſually 'there, and not yet allowed, which yet do come in the 'Summons of the Exchequer, they do deliver to the 'Sheriffs ſuch Tallies, to be allowed at the Exchequer 'upon their Accompts. And the Sheriffs ſhall make 'to them (of whom they ſhall ſo receive Tallies) 'their Writings, witneſſing the Receipt of thoſe 'Tallies, and Occaſion of the Debts.

Two Knights.

'IV. Two faithful Knights, deputed thereunto, 'ſhall be preſent at the Receipt of the Tallies afore'ſaid, between whom and the ſaid Sheriffs Indentures 'ſhall be made of ſuch Receipts, with the Seals of 'them both interchangeably.

'V. The foreſaid Knights, deputed thereunto, ſhall 'ſend the Parts of their Indentures, at the Term ap'pointed, unto the Exchequer in Form aforeſaid, to 'the End, that by the View and Witneſs of them, 'the ſaid Tallies ſo received by the Sheriffs, may be 'ſhewed and allowed upon their Accompts.

Having Tallies, and not delivering them.

'VI. Moreover, it ſhall be proclaimed, That ex'cept thoſe that have ſuch Tallies to deliver them to 'the Sheriffs and Knights, as afore is ſaid, that then 'they ſhall be diſtrained for the whole Debt, and that 'the foreſaid Tallies ſhall be reputed for unpaid.

'VII. Moreover, the Debts which yet are to come 'in the Summons of the Exchequer, whereof the 'Debtors do proffer Tallies againſt divers Sheriffs, 'ſhall be defalked and acquitted.

Commiſſions to enquire of the King's Debts.

'VIII. Moreover we provide, That certain Perſons 'aſſigned thereunto on our Behalf, ſhall be ſent into 'every Shire, which ſhall have full Power to enquire 'of ſuch Manner of Debts; and alſo to call afore them 'ſolemnly, as well the Sheriffs, as their Heirs and 'Aſſigns, and the Tenants of their Lands, in caſe 'they be dead that have received the Debts; and alſo, 'if Need be, to proceed to the taking of ſuch manner 'of Inqueſts, whether the Parties (againſt whom 'the foreſaid Tallies were ſhewed) do come or not; 'ſo that the Sheriff do return a reaſonable Summons 'made to them therefore; and ſo the Truth being 'inquired and diſcuſſed in Preſence of the Parties '(if they will be there) the Inquiſitors ſhall make 'Rolls of them that ſhall be convict afore them; ſo 'that the foreſaid Debts being confeſſed and inrolled, 'the Tallies of the ſame ſhall be forthwith broken. 'And the Sheriffs ſhall have in their Cuſtody the 'Tranſcripts of the ſame Rolls, under the Seals of 'the Inquiſitors; and ſhall ſurceaſe in making Diſtreſſes for the Debts contained in the ſame, until 'they ſhall have otherwiſe in Commandment from us 'therefore. And the foreſaid Inquiſitors ſhall ſend 'unto the Exchequer the foreſaid Rolls under their 'Seals, that it may be examined there, by a Search to 'be made therefore, what Debts be paid in the Whole, 'and what are paid in Part, and what Debts there be, 'whereof the Debtors be not acquitted, according as 'ſhall be convenient to be done.

Tallies of Dividends.

'IX. Moreover, we will and provide, That the 'Chamberlains from henceforth ſhall not make to the 'Sheriffs, or any of their Bailliffs, Tallies of *dividendis*, unleſs they firſt receive of them Writings con'taining the particular Sums and Occaſions of Debts,

† Qu. *And into what Parcels they would have ſuch Dividends diſtributed.*

'and the Names of them that paid them, † *unto the which Particulars he may part the Names of ſuch manner dividendis*; which being ſo received under their Seals, it ſhall not be lawful to number them into other Particulars.

The Sheriff returneth that the Debtor is not found, or hath nothing.

'X. Moreover, we provide, That all Debts, whereunto the Sheriffs make Return, that the Debtors have nothing in their Bailiwicks, nehad not at ſuch Time as they were charged with the ſame Debts, or that the Debtors be not found, that the ſame Debts ſhall be eſtreated in Rolls, and the ſame Rolls to be delivered unto faithful and circumſpect Men, which ſhall make Inquiry thereof after ſuch Form as ſhall be provided by the Treaſurer and Barons.

No Suit ſhall be proſecuted in the Exchequer, unleſs it concern the King, or his Officers there.

'XI. But for ſo much as certain Pleas were heretofore holden in the Exchequer, which did not concern us nor our Miniſters of the Exchequer, whereby as well our Pleas, as the Cauſes of our People, are unduly prorogued and letted; we will and ordain, That no Plea ſhall be holden or pleaded in the Exchequer aforeſaid, unleſs it do ſpecially concern us and our Miniſters aforeſaid. And therefore we command, That ye cauſe the Premiſſes to be diſtinctly and openly read afore you, and to inroll it, cauſing the ſame to be ſtraitly obſerved in our Court of Exchequer aforeſaid. In Witneſs of which, &c. Yeven at *Rutland* the four and twentieth Day of the Month of *May*, in the tenth Year of our Reign.'

Regiſt. 187.

Cotton *MS. Veſpaſian*, B. 7.

quidem particulas voluerint hujuſmodi dividenda partiri, quibus ſub ſigillis eorum receptis, non licet eas in alias particulas minuere.

Providemus etiam, quod omnia debita ad que Vic' mandent quod debitores nihil habent in ballivis ſuis nec habuerunt tempore quo onerati fuerint de eiſdem debitis, vel quod non ſint inventi, extrahantur in rotulis, & tradantur rotuli illi viris fidelibus & circumſpectis, qui inde facient inquiſ. in forma per Theſ. & Baron. providenda.

Set quia quedam placita in Scaccario noſtro hactenus tenta, que Nos ſeu Miniſtros ejuſdem Scaccarii noſtri non contingunt, per quod noſtra placita & populi noſtri negotia coram nobis indebite prorogantur & impediuntur; volumus & ordinamus, quod nullum placitum teneatur ſeu placitetur in Scaccario predicto, niſi ſpecialiter contingit Nos vel Miniſtros noſtros predictos. Et ideo vobis mandamus, quod permiſſa coram vobis diſtincte & aperte legi & irrotulari faciatis, & de cetero obſervari in predicto Scaccario noſtro. In cujus &c. T. R. apud Rotel. xxiiii. die Maii anno X°.

STATUTUM de MERCATORIBUS,

The Statute of Acton-Burnel, *made* Anno 11 Edw. I. *and* Anno Dom. 1283.

Ordaining the Statute-Merchant for Recovery of Debts.

Ex Rot. in Turr. Lond. *m.* 46.

"FOraſmuch as Merchants, which heretofore "have lent their Goods to divers Perſons, be "greatly impoveriſhed, becauſe there is no ſpee-"dy Law provided for them to have Recovery of "their Debts at the Day of Payment aſſigned; and "by reaſon hereof many Merchants have withdrawn "to come into this Realm with their Merchan-"dizes, to the Damage as well of the Merchants, as "of the whole Realm;" 'the King by himſelf and 'by his Council hath ordained and eſtabliſhed, that 'the Merchant which will be ſure of his Debt, ſhall 'cauſe his Debtor to come before the Mayor of *London*, or of *York*, or *Briſtol*, or before the Mayor and

1 Mod. 186.

'a Clerk (which the King ſhall appoint for the ſame) 'for to knowledge the Debt and the Day of Payment; and the Recogniſance ſhall be entered into 'a Roll with the Hand of the ſaid Clerk, which ſhall

Co. Lit. 289. b. Cro El. 233, 355, 461.

'be known. Moreover, the ſaid Clerk ſhall make 'with his own Hand a Bill obligatory, whereunto 'the Seal of the Debtor ſhall be put, with the King's 'Seal, that ſhall be provided for the ſame Purpoſe, 'the which Seal ſhall remain in the keeping of 'the Mayor and Clerk aforeſaid: And if the Debtor doth not pay at the Day to him limited, the 'Creditor may come before the ſaid Mayor and Clerk 'with his Bill obligatory; and if it be found by

PUR ceo qe Marchaunz qi avaunt ces houres unt preſte lur aver a diverſe genz ſunt cheuz en poverte per ceo qe il ni avent pas ſi redde ley purvew par la quele il poient lur dettes haſtivement recoverir al jor aſis de paye e par cele acheſun ſunt mult de Marchaunz ſuſtretz de venir en ceſte terre od lur Marchaundiſes a damages des Marchaunz e de tut le Reaume. Le Rei par lui e par ſun conſeil ad ordine e eſtabli qe Marchaunt qi veut eſtre ſeur de ſa dette face venir ſun dettur devaunt le Meire de Lundres ou de Everwyk ou de Briſtowe e devaunt le Meire e devaunt un Clerk qe le Rey a ceo atornera conoiſe la dette e le jor de la pae e ſeit la reconiſaunee enroulee de la main le avaundit clerk qa ſerra conue. E eſtre ceo lavaundit clerk face de ſa main le eſcrit de obligation al quel eſcrit ſeit mis le ſeal del detter od le ſeal le Rei qe a ceo eſt purveu le quel ſeal demoera en ſauve garde le Meire e del clerk avaundit. E ſi le dettur nene rende al jor qe lui eſt aſis ſi veigne le creaunzur al Meire e al clerk od ſa lettre de obligatiun e ſi trove ſeit par roule e par lettre qe la

Ex Rot. in Turr. Lond.

la dette fu conue e qe le jor aſis ſeit paſſe le Meire par vewe de prodes homes meintenaunt face vendre les moebles ol dettur cum ateint de la dette ſi com chatels e burgagee deviſables deſqes a la ſumme de la dette e les deniers faunz delai paez as creaunzur. E ſi le Meire ne troeſſe achatur face par renable pris liverer les moebles al creaunzur deſqe a la ſumme de la dette en allowaunce de ſa dette. E a la vente e a le liveree des burgages deviſablis ſerra mis le ſeal le Rei avaundit en pardurable teſmoinaunce. E ſi le dettur ne eit moeble en le poer le Meire dunt la dette poet eſtree levee einz eit aillours en le reaume dunqe maunde le Meire deſuz le ſeal avaundit a Chauncelier la conoiſſaunce fete devaunt lui e le avauntdit clerk e le Chauncelier envoye bref al viſcunte en qi bailie le dettur avera moebles e le viſcunte face fere gre al creaunzer par meſme la forme qe eſt deviſee qe le Meire le fereit ſi les biens moebles al dettur fuſſent en ſun poer. Mes bien ſe gardent ceuls qi priſerunt les moebles pur liverer al creaunzur qe il mettent reſnable pris e owel qe ſi il les priſent trop haut en favour del dettour e en damage del creaunzur la choſee priſee ſeit liveree a cels qi la averunt priſee par le pris qe mis i unt e meintenaunt reſpoignent al creaunzur de ſa dette. E ſi le dettur voille dire qe ces biens moebles fuerent venduz ou liverez pur meins qe il ne vailent de ceo ne purra il remedie aver par quei qe le Meire ou le viſcunte eyent leaument les biens moebles a celui qi plus offri vendu car il purra retter a lui meſmes qe avaunt le jor de la ſoute poeit ſes biens moebles aver vendu e par ſa main les deniers leve e ne voleit. E ſi le dettur ne ad moebles dunt tute le dette puiſſe eſtre levee dunqe ſeit ſun cors pris ou qe il ſeit trove e en priſon tenu deſqe taunt qe il eit fet gre ou ſes amis pur lui. E ſi il nad del ſoen dunt eſtre ſuſtenu en priſun le creaunzur lui truſſe pain e ewe iſſi qe il ne moerge pur defaute les quels cuſtages le dettur lui rende od la dette avaunt ceo qe il iſſi de priſun. E ſi le creaunzur ſeit marchaunt eſtraunge il demorra as cuſtages del dettur tut le tens qe il ſiwera pur ſa dette lever deſqe al jor qe les biens moebles al dettur ſeient venduz ou a lui liverez. E ſi le creaunzur ne ſe pae pas de la ſeurte ſoulement le dettur parqei plegges lui ſoient trovez ou mainpernours les mainpernours ou les plegges veignient devaunt le Meire e le avauntdit clerk e ſe obligent par eſcrit e par reconoiſſaunce ſi com avaunt eſt dit del dettur. En meſme la manere ſi la dette ne ſeit pace al jor aſis ſeit fete la execution ſur les plegge ou mainpernours cum avaunt eſt dit del dettur.

Iſſi ne purquant qe taunt come la dette puſſe pleinement eſtre levee des biens moebles al dettur

‘ the Roll, and by the Bill, that the Debt was know- Acknowledging
‘ ledged, and that the Day of Payment is expired, of a Statute-
‘ the Mayor ſhall incontinent cauſe the Moveables of Merchant.
‘ the Debtor to be ſold, as far as the Debt doth amount, Regiſt. 146.
‘ by the praiſing of honeſt Men, as Chattels, Burgages F. N. B. 130,
‘ deviſeable, until the whole Sum of the Debt; and &c.
‘ the Money, without Delay, ſhall be paid to the
‘ Creditor. And if the Mayor can find no Buyer, he
‘ ſhall cauſe the Moveables to be delivered to the Cre-
‘ ditor at a reaſonable Price, as much as doth amount
‘ to the Sum of the Debt, in Allowance of his Debt;
‘ and the King's Seal ſhall be put unto the Sale and The Seal of the
‘ Deliverance of the Burgages deviſeable for a perpe- Statute.
‘ tual Witneſs. And if the Debtor have no Move-
‘ ables within the Juriſdiction of the Mayor, where-
‘ upon the Debt may be levied, but hath ſome other-
‘ where within the Realm, then ſhall the Mayor ſend
‘ the Recogniſance made before him and the Clerk
‘ aforeſaid unto the Chancellor, under the King's
‘ Seal; and the Chancellor ſhall direct a Writ unto A Certificate of
‘ the Sheriff, in whoſe Bailiwick the Moveables of the Statute into
‘ the Debtor be, and the Sheriff ſhall cauſe him to the Chancery.
‘ agree with his Creditor in ſuch Form as the Mayor F. N. B. 1. 130.
‘ ſhould have done in caſe that the Moveables of the e.
‘ Debtor had been within his Power. And let them The Goods ex-
‘ that ſhall praiſe the moveable Goods, to be deli- tended delivered
‘ vered unto the Creditor, take good Heed, that they to the Praiſers.
‘ do ſet a reaſonable Price upon them; and if they do
‘ ſet an over high Price for Favour born to the Debtor,
‘ and to the Damage of the Creditor, then ſhall the
‘ Thing ſo praiſed be delivered unto themſelves at ſuch
‘ Price as they have limited, and they ſhall be forth-
‘ with anſwerable unto the Creditor for his Debt.
‘ And if the Debtor will ſay, that his moveable Fitz. Extent, 7,
‘ Goods were delivered or ſold for leſs than they were 10, 11, 12, 14.
‘ worth, yet ſhall he have no Remedy thereby; for
‘ when the Mayor or the Sheriff hath ſold the move-
‘ able Goods lawfully to him that offered moſt, he may
‘ account it his own Folly, that he did not ſell his own
‘ moveable Goods himſelf before the Day of his Suit
‘ (when he might, and would not) and have levied the
‘ Money with his own Hands. And if the Debtor The Debtor im-
‘ have no Moveables whereupon the Debt may be priſoned.
‘ levied, then ſhall his Body be taken where it may be Regiſt. 98.
‘ found, and kept in Priſon, until that he have made
‘ Agreement, or his Friends for him; and if he have The Debtor's
‘ not wherewith he may ſuſtain himſelf in Priſon, the Diet.
‘ Creditor ſhall find him Bread and Water, to the end
‘ that he die not in Priſon for default of Suſtenance,
‘ the which Coſts the Debtor ſhall recompenſe him
‘ with his Debt, before that he be let out of Priſon.
‘ And if the Creditor be a Merchant-ſtranger, he The Creditor a
‘ ſhall remain at the Coſts of the Debtor for ſo long Stranger.
‘ Time as he tarrieth about the Suit of his Debt, and
‘ until the moveable Goods of the Debtor be ſold or
‘ delivered unto him. And if the Creditor do not The Creditors
‘ take the Debtor alone for the Surety of his Pay- Pledges.
‘ ment, by reaſon whereof Pledges or Mainpernors be
‘ founden, then thoſe Pledges or Mainpernors ſhall
‘ come before the Mayor and Clerk aboveſaid, and
‘ ſhall bind themſelves by Writings and Recogniſances,
‘ as afore is ſaid of the Debtor. And in like Manner
‘ if the Debt be not paid at the Day limited, ſuch
‘ Execution ſhall be awarded againſt the Pledges or
‘ Mainpernors, as before is ſaid of the Debtor.
‘ II. Provided nevertheleſs, That ſo long as the
‘ Debt may be fully taken and levied of the Goods

“ moveable

Raſt. 97. *enforced and amended by* 13 Ed. 1. ſtat. 3. c. 1.

‘ moveable of the Debtor, the Mainpernors or Pledges ‘ ſhall be without Damage: Notwithſtanding, for ‘ default of moveable Goods of the Debtor, the Cre- ‘ ditor ſhall have Execution of his Recogniſance upon ‘ the Mainpernors or Pledges, in ſuch Manner and ‘ Form as before is limited againſt the principal ‘ Debtor.’

Ex Rot. in Turr. Lond.

les mainpernours ou les plegges ne eyent damage. Mes en defaute des biens moebles al dettur eit le creaunzur recoverir ſur les mainpernours ou ſur les plegges en la forme qe avaunt eſt dite del dettur. E a ſuſtenir les cuſtages lavaundit clerk ſi prendra le Rei de cheſcune livre un denier. Ceſt ordeinement e eſtabliſement veut le Rei qe deſoremes ſeit tenu par tut ſun reaume de Engleterre entre quel gent qe ceus ſeient qe de lur ein degre voderunt tele reconoiſaunce fere forſpris Jeus as quels ceſt eſtabliſement ne ſe eſtent pas. E par ceſt eſtabliſſement ne ſeit bref de dette abatu. E ne ſoyent pas le Chancelier, Baruns del Eſcheqere, Juſtices del un Baunc del autre, e Juſtices erraunz, forclos de prendre reconoiſſaunces de dettes de ceus qi devaun eus le voderunt fere. Mes les executions de conoiſſaunces devaunt eus ne ſeyent pas fetes par la forme avauntdite, mes par la ley, e le uſage, e la maniere avaunt uſee. Donee a Actone Burnel le duzim jor de Octobre en lan de noſtre regne unzim.

Conſimilia Statuta habent majores Eborum & Briſtol' Linc. & Winton. & Salop.

STATUTUM WALLIE. See Appendix.

STATUTA REGIS EDWARDI edita apud Weſtm' in Parliamento ſuo Paſch. Anno Regni ſui tertio decimo.

The Statute of WESTMINSTER *the Second, made* Anno 13 EDW. I. *Stat.* 1. *and* Anno Dom. 1285.

“ WHEREAS of late our Lord the King, “ in the Quinzim of Saint *John* Baptiſt, the “ Sixth Year of his Reign, calling together “ the Prelates, Earls, Barons, and his Council at “ *Glouceſter*, and conſidering that divers of this Realm “ were diſherited, by Reaſon that in many Caſes, “ where Remedy ſhould have been had, there was none “ provided by him nor his Predeceſſors, ordained cer- “ tain Statutes right neceſſary and profitable for his “ Realm, whereby the People of *England* and *Ireland*, “ being Subjects unto his Power, have obtained more “ ſpeedy Juſtice in their Oppreſſions, than they had “ before: and certain Caſes, wherein the Law failed, “ did remain undetermined, and ſome remained to be “ enacted, that were for the Reformation of the Op- “ preſſions of the People: Our Lord the King in his “ Parliament, after the Feaſt of *Eaſter*, holden the “ Thirteenth Year of his Reign at *Weſtminſter*, cauſed “ many Oppreſſions of the People, and Defaults of the “ Laws, for the Accompliſhment of the ſaid Statutes “ of *Glouceſter*, to be rehearſed, and thereupon did pro- “ vide certain Acts, as ſhall appear here following.”

Ex Rot. in Turr. Lond. *m.* 46.

CUM nuper Dominus Rex in quindena ſancti Johannis Baptiſte anno regni ſui ſexto convocatis Prelatis Comitibus Baronibus & conſilio ſuo apud Glouc' quia multi de regno ſuo ex heredationem patiebantur eo quod in multis caſibus ubi remedium apponi debuit prius non fuit per predeceſſores ſuos aut ipſum remedium proviſum quedam ſtatuta populo ſuo valde neceſſaria & utilia edidit per que populus ſuus Anglicanus & Hibernicus ſub ſuo regimine gubernatus celeriorem juſtitiam quam prius in ſuis oppreſſionibus conſecutus eſt ac quidem caſus in quibus lex deficiebat remanſerunt non determinati quedam enim ad reprimendum oppreſſionem populi remanſerunt ſtatuenda Dominus Rex in Parliamento ſuo poſt Paſcha anno regni ſui tertio decimo apud Weſtm' multas oppreſſiones & legum defectus ad ſuppletionem predictorum ſtatutorum apud Glouc' editorum recitari fecit & ſtatuta edidit ut patebit in ſequenti.

CAP. I.

In Gifts in Tail the Donor's Will ſhall be obſerved. The Form of a *Formedon*.

Several Sorts of Gifts of Lands in Tail. 1 Leon, 212. 1 Roll 48, 153, 158, 333, 357, 385. See 1 Bur. 115.

‘ FIRST, Concerning Lands that many Times are ‘ given upon Condition, that is to wit, Where any ‘ giveth his Land to any Man and his Wife, and to ‘ the Heirs begotten of the Bodies of the ſame Man and ‘ his Wife, with ſuch Condition expreſſed, that if the ‘ ſame Man and his Wife die without Heirs of their

IN primis de tenementis que multotiens dantur ſub conditione videlicet cum aliquis dat terram ſuam alicui viro & ejus uxori & heredibus de ipſis viro & muliere procreatis adjecta conditione expreſſa tali quod ſi hujuſmodi vir & mulier ſine herede de ipſis viro & muliere procreato obiſſent terra ſic data

Ex Rot. in Turr. Lond.

data ad donatorum vel ad ejus heredem revertatur. In caſu etiam cum quis dat tenementum in liberum maritagium quod donum habet conditionem annexam licet non exprimatur in carta doni que talis eſt quod ſi vir & mulier ſine herede de ipſis procreato obierint tenementum ſic datum ad donatorem vel ad ejus heredem revertatur. In caſu etiam cum quis dat tenementum alicui & heredibus de corpore ſuo exeuntibus durum videbatur & adhuc videtur hujuſmodi donatoribus & heredibus donatorum quod voluntas ipſorum in donis ſuis expreſſa non fuerit prius nec adhuc eſt obſervata. In omnibus enim predictis caſibus poſt prolem ſuſcitatam & exeuntem ab ipſis quibus tenementum ſic fuit datum conditionaliter hucuſque habuerunt hujuſmodi feoffati poteſtatem alienandi tenementum ſic datum & exheredandi de tenemento exitum ipſorum contra voluntatem donatorum & formam de dono expreſſam. Et preterea cum deficiente exitu de hujuſmodi feoffatis tenementum ſic datum ad donatorem vel ad ejus heredem reverti debuit per formam in carta de dono expreſſam licet exitus ſi quis fuerit obiſſet per factum & feoffamentum ipſorum quibus tenementum ſic fuit datum ſub conditione excluſi fuerunt hucuſque de reverſione eorundem tenementorum quod manifeſte fuit contra formam doni ſui.

Propter quod dominus Rex perpendens quod neceſſarium & utile eſt in predictis caſibus apponere remedium ſtatuit quod voluntas donatoris ſecundum formam in carta doni ſui manifeſte expreſſam decetero obſervetur ita quod non habeant illi quibus tenementum ſic fuit datum ſub conditione poteſtatem alienandi tenementum ſic datum quo minus ad exitum illorum quibus tenementum ſic fuerit datum remaneat poſt eorum obitum vel ad donatorem vel ad ejus heredem ſi exitus deficiat per hoc quod nullus ſit exitus omnino vel ſi aliquis exitus fuerit per mortem deficiet herede hujuſmodi exitus deficiente. Nec habeat decetero ſecundus vir hujuſmodi mulieris aliquid in tenemento ſic dato per conditionem poſt mortem uxoris ejus per Legem Anglie nec exitus de ſecundo viro & muliere ſucceſſionem hereditariam ſet ſtatim poſt mortem viri & mulieris quibus tenementum ſic fuit datum poſt eorum obitum vel ad eorum exitum vel ad donatorem vel ad ejus heredem ut predictum eſt revertatur.

Et quia in novo caſu novum remedium eſt apponendum fiat impetranti tale breve:

Precipe A. quod juſte, &c. reddat B. tale manerium cum pertinentiis quod C. dedit tali viro & tali mulieri & heredibus de ipſis viro & muliere exeuntibus.

Vel,

Quod C. dedit tali viro in liberum maritagium cum tali muliere & quod poſt mortem predictorum viri & mulieris predicto B. filio predictorum viri & mulieris deſcendere debet per formam donationis predicte ut dicit. Vel, *Quod C. dedit tali & heredibus de corpore ſuo exeuntibus & quod poſt mortem ipſius talis predicto B. filio predicti talis deſcendere debet per formam, &c.*

Breve per quod donator habet recuperare ſuum deficiente exitu ſatis eſt in uſu in cancellaria Et ſciendum quod hoc ſtatutum quoad alienationem te-

'Bodies between them begotten, the Land ſo given ſhall revert to the Giver or his Heir. In caſe alſo where one giveth Lands in free Marriage, which Giſt hath a Condition annexed, though it be not expreſſed in the Deed of Gift, which is this, That if the Huſband and Wife die without Heir of their Bodies begotten, the Land ſo given ſhall revert to the Giver or his Heir. In caſe alſo where one giveth Land to another, and the Heirs of his Body iſſuing; it ſeemed very hard, and yet ſeemeth to the Givers and their Heirs, that their Will being expreſſed in the Gift, was not heretofore, nor yet is obſerved. In all the Caſes aforeſaid, after Iſſue begotten and born between them (to whom the Lands were given under ſuch Condition) heretofore ſuch Feoffees had Power to aliene the Land ſo given, and to diſherit their Iſſue of the Land, contrary to the Minds of the Givers, and contrary to the Form expreſſed in the Gift. And further, When the Iſſue of ſuch Feoffee is failing, the Land ſo given ought to return to the Giver, or his Heir, by Form of the Gift expreſſed in the Deed, though the Iſſue (if any were) had died: Yet by the Deed and Feoffment of them (to whom Land was ſo given upon Condition) the Donors have heretofore been barred of their Reverſion of the ſame Tenements, which was directly repugnant to the Form of the Gift.

2 Roll 429. Godbolt 308, 367. pl. 458. Vaughan 365. Latch 67. Savil 67, 88. 7 Co. 33. Fitz. Tail, 11, 12, 13, 14, 16, 17, 18, 21, 22, 23. Co. Lit. 18. b. 19. a 24. a. 223. b. 224. a. 12 Co. 81. Fitz. Formed. 61, 65. Fitz. Tail, 9, 10. Fitz. Tail, 15.

'II. Wherefore our Lord the King, perceiving how neceſſary and expedient it ſhould be to provide Remedy in the aforeſaid Caſes, hath ordained, That the Will of the Giver, according to the Form in the Deed of Gift manifeſtly expreſſed, ſhall be from henceforth obſerved; ſo that they to whom the Land was given under ſuch Condition, ſhall have no Power to aliene the Land ſo given, but that it ſhall remain unto the Iſſue of them to whom it was given after their Death, or ſhall revert unto the Giver, or his Heirs, if Iſſue fail (in that there is no Iſſue at all) or if any Iſſue be, and fail by Death, or Heir of the Body of ſuch Iſſue failing. Neither ſhall the ſecond Huſband of any ſuch Woman, from henceforth, have any Thing in the Land ſo given upon Condition, after the Death of his Wife, by the Law of *England*, nor the Iſſue of the ſecond Huſband and Wife ſhall ſucceed in the Inheritance, but immediately after the Death of the Huſband and Wife (to whom the Land was ſo given) it ſhall come to their Iſſue, or return unto the Giver, or his Heir, as before is ſaid.

In Giſts in Tail the Donor's Will ſhall be obſerved. Hob. 293. Fitz. Garranty, 16, 46, 57, 59. 3 Co. 85. Fitz. Formed. 1, 27, 33, 35, 52, 54, 59, 62, 64. Fitz. Dower, 87. 3 Co. 8. 5. 14. 7. 32, 33. 8. 35, 86. 166. 9. 105. 11. 72. Co. Lit. 327. b.

'III. And foraſmuch as in a new Caſe new Remedy muſt be provided, this Manner of Writ ſhall be granted to the Party that will purchaſe it:'

Præcipe A. quod juſte, &c. reddat E. manerium de F. cum ſuis pertinentiis, quod C. dedit tali viro & tali mulieri, & heredibus de ipſis viro & muliere exeuntibus.

Foremedon in deſcender. Regiſt. 238. Co. pla. 317, 338, 341. Dyer 246, 247. Fitz. Fines, 125. Fiz. Formed. 5, 6, 7, 11, 14, 22, 30, 42, 44, 46, 47, 49.

'Or thus:'

Quod C. dedit tali viro in liberum maritagium cum tali muliere, & quod poſt mortem prædictorum viri & mulieris, predicto B. filio eorundem viri & mulieris deſcendere debeat per formam donationis prædictæ, ut dicit, &c. Vel, Quod C. dedit tali & hæredibus de corpore ſuo exeuntibus, & quod poſt mortem illius talis, prædicto B. filio prædicti talis deſcendere debeat per formam, &c.

'IV. The Writ whereby the Giver ſhall recover (when iſſue faileth) is common enough in the Chancery; and it is to wit, that this Statute ſhall hold

'Place

'Place touching Alienation of Land contrary to the 'Form of the Gift hereafter to be made, and ſhall not 'extend to Gifts made before. And if a Fine be le-
A Fine ſhall not bar the Heir in Tail. 8 H. 4. f. 8. Fitz. Continual Claim, 9. 'vied hereafter upon ſuch Lands, it ſhall be void in 'the Law; neither ſhall the Heirs, or ſuch as the Re-'verſion belongeth unto, though they be of full Age, 'within *England*, and out of Priſon, need to make 'their Claim. Altered by 32 H. 8. c. 36.'

Ex Rot. in Turr. Lond.

nementi contra formam doni impoſterum faciendam locum habet & ad dona prius facta non extenditur. Et ſi finis ſuper hujuſmodi tenemento impoſterum levetur ipſo jure ſit nullus nec habeant heredes aut illi ad quos ſpectat reverſio licet plene ſint etatis in Anglia & extra priſonam neceſſe apponere clameum ſuum.

CAP. II.

A *Recordare* to remove a Plaint. Pledges to proſecute a Suit. Second Deliverance.

The Miſchiefs which Lords diſtraining their Tenants did ſuffer. "FOraſmuch as Lords of Fees diſtraining their Te-"nants for Services and Cuſtoms due unto them, "are many Times grieved, becauſe their Tenants do "replevy the Diſtreſs by Writ, or without Writ: "And when the Lords, at the Complaint of their "Tenants, do come by Attachment into the County, "or unto another Court, having Power to hold Pleas "of *Withernam*, and do avow the taking good and "lawful, by reaſon that the Tenants diſavow to hold "ought, nor do claim to hold any thing of him which "took the Diſtreſs and avowed it, he that diſtrained "is amerced, and the Tenants go quit; to whom Pu-"niſhment cannot be aſſigned for ſuch diſavowing "by Record of the County, or of other Courts having "no Record."

A Recordare to remove a Plaint out of the County. 16 H. 7. f. 1. 'II. It is provided and ordained from henceforth, 'That where ſuch Lords cannot obtain Juſtice in 'Counties and ſuch manner of Courts againſt their 'Tenants, as ſoon as they ſhall be attached at the 'Suit of their Tenants, a Writ ſhall be granted to 'them to remove the Plea before the Juſtices, afore
Regiſt. 83. 'whom, and none otherwhere, Juſtice may be miniſ-'tered unto ſuch Lords; and the Cauſe ſhall be put 'in the Writ, wherefore ſuch a Man diſtrained in 'his Fee for Services and Cuſtoms to him due. Nei-'ther is this Act prejudicial to the Law commonly 'uſed, which did not permit that any Plea ſhould be 'moved before Juſtices at the Suit of the Defendant. 'For though it appear at the firſt Shew that the Te-'nant is Plaintiff, and the Lord Defendant, never-'theleſs, having reſpect to that, that the Lord hath 'diſtrained, and ſueth for Services and Cuſtoms being 'behind, he appeareth indeed to be rather Actor, or 'Plaintiff, than Defendant. And to the Intent the 'Juſtices may know upon what freſh Seiſin the Lords 'may avow the Diſtreſs reaſonable upon their Tenants; 'from henceforth it is agreed and enacted, That a 'reaſonable Diſtreſs may be avowed upon the Seiſin 'of any Anceſtor or Predeceſſor ſince the Time that 'a Writ of *Novel diſſeiſin* hath run. And becauſe it 'chanceth ſometime that the Tenant, after that he 'hath replevied his Beaſts, doth ſell or alien them, 'whereby return cannot be made unto the Lord that 'diſtrained, if it be adjudged:

Pledges to proſecute the Suit and to make Return. Dyer 188. 2 H. 6. 15. 8 Ed. 3. 72. 9 H. 6. 42. Fitz. Return des Avers, 35. & co. Car. 594. 'III. It is provided, That Sheriffs or Bailiffs from 'henceforth ſhall not only receive of the Plaintiffs 'Pledges for the Purſuing of the Suit, before they 'make Deliverance of the Diſtreſs, but alſo for the 'Return of the Beaſts, if Return be awarded. And 'if any take Pledges otherwiſe, he ſhall anſwer for 'the Price of the Beaſts, and the Lord that diſtrain-'eth ſhall have his Recovery by Writ, that he 'ſhall reſtore unto him ſo many Beaſts or Cattle; 'and if the Bailiff be not able to reſtore, his Su-

QUia domini feodorum diſtringentes tenentes ſuos pro ſerviciis ſibi debitis multotiens gravantur per hoc quod cum tenentes ſui diſtrictionem ſuam per breve vel ſine brevi replegiaverint ac ipſi domini cum ad querimoniam tenentium ſuorum ad comitatum vel ad alium curiam habentem poteſtatem placitandi placita de vetito namio per attachiamentum venerint & rationabilem & juſtam diſtrictionem advocaverint per hoc quod tenentes deadvocant nichil tenere nec clamant tenere de eo qui diſtrictionem fecit & advocavit remanſit qui diſtrinxit in miſerecordia & tenentes ſui quieti quibus pro illa deadvocatione per recordum comitatus ſive aliarum curiarum que recordum non habent pena infligi non poteſt.

Decetero proviſum eſt & ſtatutum quod cum hujuſmodi domini in com' vel hujuſmodi cur' juſtitiam de hujuſmodi tenentibus ſuis conſequi non poſſint quam cito attachiati fuerunt ad ſectam tenentium ſuorum concedatur eis breve ad ponendum loquelam illam coram Juſticiariis coram quibus & non alibi juſtitia hujuſmodi dominis exhiberi poterit Et inſeratur cauſa in brevi quia talis diſtrinxit in feodo ſuo pro ſerviciis & conſuetudinibus ſibi debitis nec per iſtud ſtatutum derogatur legi communi uſitate que non permiſit placitum aliquod poni coram Juſtic' ad petitionem defendentis. Quia licet prima facie videbatur tenens actor & dominus defendens habito tamen reſpectu ad hoc quod dominus diſtringit & ſequitur pro ſerviciis & conſuetudinibus ſibi a retro exiſtentibus realiter potius apparebit actor ſive querens quam defendens. Et ut in certo ſint Juſticiarii de qua recenti ſeiſina poterunt domini advocare rationabilem diſtrictionem ſuper tenentes ſuos decetero concordatum eſt quod rationabilis diſtrictio advocari poterit de ſeiſina anteceſſorum ſuorum vel predeceſſorum a tempore quo breve nove diſſeiſine currit. Et quia aliquando contingit quod cum tenens poſtquam replegiaverit averia ſua averia illa vendit vel elongat quo minus returnum fieri poſſit domino diſtringenti ſi adjudicetur.

Proviſum eſt quod vic' aut ballivi de cetero non recipiant a conquerentibus ſolummodo pleg' de proſequendo antequam deliberationem faciant de averiis ſet etiam de averiis retornandis ſi adjudicetur returnum. Et ſi quis alio modo pleg' receperit reſpondeat ipſe de pretio averiorum & habeat dominus diſtringens recuparare per breve quod reddat ei tot averia vel tot catalla & ſi non habeat ballivus unde reddat reddat ſuperior ſuus. Et quia aliquando contingit quod poſtquam ajudicatum fuerit

diſtringenti

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diſtringenti returnum averiorum & ſic diſtrictus poſtquam averia ſic retornata iterum replegiaverit cum viderit diſtringentem comparentem in curia paratum ſibi reſpondere defaltam fecerit ob quam iterum adjudicabitur diſtringenti returnum averiorum & ſic bis tertio & in infinitum replegiabuntur averia nec habebunt judicia curie Regis in hoc caſu effectum ſuper quo non fuit prius remedium proviſum ordinatus eſt in hoc caſu talis proceſſus quod quam cito adjudicatum fuerit diſtringenti returnum averiorum per breve de judicio mandetur vicecomiti quod returnum habere faciat diſtringenti de averiis in quo brevi inſeratur quod vicecomes ea non deliberet ſine brevi in quo fiat mentio de judicio per Juſticiarios reddito quod fieri non poterit niſi per breve quod exeat de rotulis Juſticiariorum coram quibus deducta fuerit loquela. Cum igitur adierit Juſtic' & petierit averia ſua iterum replegiari fiat ei hoc breve de judicio quod vicecomes capta ſecuritate de proſequendo & etiam de averiis vel catallis retornandis vel eorum pretio ſi adjudicetur returnum deliberet ei averia vel catalla prius retornata & attachietur qui diſtrinxit ad veniendum ad certum diem coram Juſticiariis coram quibus placitum deducatur in preſentia partium. Et ſi iterato ille qui replegiaverit fecerit defaltam vel alia occaſione adjudicetur returnum diſtrictionis jam bis replegiate remaneat diſtrictio illa imperpetuum irreplegiabilis ſet ſi de novo & de nova cauſa fiat diſtrictio de nova diſtrictione ſervetur proceſſus ſupradictus.

‘ periour ſhall reſtore. And foraſmuch as it happeneth ſometime, that after the Return of the Beaſts is awarded unto the Diſtrainor, and the Party ſo diſtrained, after that the Beaſts be returned, doth replevy them again, and when he ſeeth the Diſtrainor appearing in the Court ready to anſwer him, doth make Default, whereby Return of the Beaſts ought to be awarded again unto the Diſtrainor, and ſo the Beaſts be replevied twice or thrice, and infinitely, and the Judgments given in the King's Court take no Effect in this Caſe, whereupon no Remedy hath been yet provided; in this Caſe ſuch Proceſs ſhall be awarded, that ſo ſoon as Return of the Beaſts ſhall be awarded to the Diſtrainor, the Sheriff ſhall be commanded by a judicial Writ to make Return of the Beaſts unto the Diſtrainor; in which Writ it ſhall be expreſſed, that the Sheriff ſhall not deliver them without Writ, making mention of the Judgment given by the Juſtices, which cannot be without a Writ iſſuing out of the Rolls of the ſaid Juſtices before whom the Matter was moved. Therefore when he cometh unto the Juſtices, and deſireth Replevin of the Beaſts, he ſhall have a judicial Writ, that the Sheriff taking Surety for the Suit, and alſo of the Beaſts or Cattle to be returned, or the Price of them (if Return be awarded) ſhall deliver unto him the Beaſts or Cattle before returned, and the Diſtrainor ſhall be attached to come at a certain Day before the Juſtices, afore whom the Plea was moved in Preſence of the Parties. And if he that replevied make Default again, or for another Cauſe return of the Diſtreſs be awarded, being now twice replevied, the Diſtreſs ſhall remain irrepleviable; but if a Diſtreſs be taken of new, and for a new Cauſe, the Proceſs aboveſaid ſhall be obſerved in the ſame new Diſtreſs.’

A Writ of ſecond Deliverance. Dyer, 41, 59. Kel. 92. 26 H. 8. 6. 21 H. 7. 28. 12 H. 7. 4.

A Diſtreſs irrepleviable. 14 H. 7. 6. Dyer, 280. Fitz. Return des avers, 6, 15, 18, 19, 24, 26, 32, 33, 34, 35.

CAP. III.

A *Cui in vita* for the Wife. Where a Wife, or he in Reverſion, ſhall be received.

IN caſu quando vir amiſit per defaltam tenementum quod fuit jus uxoris ſue durum fuit quod uxor poſt mortem viri ſui non habuit aliud recuperare quam per breve de Recto propter quod Dominus Rex ſtatuit quod mulier poſt mortem viri ſui habeat recuperare per breve de Ingreſſu cui ipſa in vita ſua contradicere non potuit quod in forma predicta erit placitand'. Si contra petitionem mulieris tenens excipiat quod habuit ingreſſum per judicium & comperto quod per defaltam ad quod tenens neceſſe habet reſpondere ſi ab eo queratur tunc neceſſe habet ulterius oſtendere jus ſuum ſecundum formam brevis quod prius impetravit ſuper virum & uxorem. Et ſi verificare poterit quod jus habet in tenemento petito nichil capiat mulier per breve ſuum quod ſi oſtendere non poterit recuperet mulier tenementum petitum hoc obſervato quod ſi vir abſentaverit ſe & noluerit jus uxoris ſue defendere vel invita uxore reddere voluerit ſi uxor ante judicium venerit parata petenti reſpondere & jus ſuum defendere admittatur uxor. Eodem modo ſi tenens in dotem per Legem Anglie vel aliter ad terminum

“ IN caſe when a Man doth loſe by Default the Land which was the Right of his Wife, it was very hard that the Wife, after the Death of her Huſband, had none other Recovery but by a Writ of Right;” ‘ wherefore our Lord the King hath ordained, That a Woman, after the Death of her Huſband, ſhall recover by a Writ of Entry (whereto ſhe could not diſagree during his Life) which ſhall be pleaded in Form under-written. If the Tenant do except againſt the Demand of the Wife, that he entered by Judgment, and it be found that his Entry was by Default, whereto the Tenant of Neceſſity muſt make Anſwer, if it be demanded of him, then he ſhall be compelled to make further Anſwer, and to ſhew his Right according to the Form of the Writ that he purchaſed before againſt the Huſband and the Wife. And if he can verify that he hath Right in the Land demanded, the Woman ſhall gain nothing by her Writ; which Thing if he cannot ſhew, the Woman ſhall recover the Land in Demand; this being obſerved, that if the Huſband abſent himſelf, and will not defend his Wife's Right, or againſt his Wife's Conſent will render the Land, if the Wife do come before Judgement, ready to anſwer the Demandant, and to defend her Right, the Wife ſhall be admitted. Likewiſe if Tenant in Dower, Tenant by the Law of the Land, ‘ or

A Cui in vita for the Wife, where her deceaſed Huſband loſt by Default. Regiſt. 232. 2 Inſt. 341. 6 Co. 8. 8 Co. 72. 26 H. 8. 2. Fitz. Cui in vita, 7, 8, 9, 10, 11, 14, 16, 17, 19, 20, 22, 26, 28, 30, 32, 34. Co. Lit. 352. b. 353. a. 355. a. 356. a. Dyer, 298, 315, 341. Fitz. Reſceit, 1, 3, 5, 6, 9, 11, 12, 19, 27, 30, 32, 139. 10 Co. 44. 5 Ed. 3. 61. Cro. Car. 43. *See* 32 *H.* 8. *c.* 28. *which provides that the Huſband's Act only of the Wife's Land ſhall not prejudice her or her Heirs.*

When the Wife ſhall be received upon the Huſband's Default. Keilw. 128. The Receipt of him in the Reverſion. Ingreſſus ad communem legem, Regiſt. 133.

‘ or otherwiſe for Term of Life, or by Gift, where
‘ the Reverſion is reverſed, do make Default, or will
‘ give up; the Heirs, and they unto whom the Rever-
‘ ſion belongeth, ſhall be admitted to their Anſwer
‘ if they come before Judgement; and if upon De-
‘ fault, or Surrender, Judgement hap to be given,
‘ then the Heirs, or they unto whom the Reverſion
‘ belongeth after the Death of ſuch Tenants, ſhall
‘ have their Recovery by a Writ of Entry, in which
‘ like Proceſs ſhall be obſerved as is aforeſaid, in caſe
‘ where the Huſband loſeth his Wife's Land by De-
‘ fault. And ſo in the Caſes aforeſaid two Actions do
‘ concur, one between the Demandant and Tenant,
‘ and another between the Tenant ſhewing his Right,
‘ and the Demandant.’

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vite vel per donum in quo reſervatur reverſio fecerit defaltam vel reddere voluerit admittantur heredes & illi ad quos ſpectat reverſio ad reſponſionem ſi venerint ante judicium & ſi per defaltam aut reditionem reddatur judicium tunc habeant heredes & illi ad quos ſpectat reverſio poſt mortem hujuſmodi tenentium recuperare per breve de Ingreſſu in quo ſervetur idem proceſſus ſicut dictum eſt ſupra in caſu ubi vir amittit tenementum uxoris & ſic in caſibus predictis due concurrunt actiones una inter petentem & tenentem & alia inter tenentem jus ſuum oſtendentem & petentem.

CAP. IV.

Where the Wife ſhall be endowable of Lands recovered againſt her Huſband. Where the Heir may avoid a Dower recovered. A Remedy for particular Tenants loſing by Default.

The Wife ſhall be endowable, though the Land be recovered againſt her Huſband by Covin, or by Default. 2 Inſt. 347. 14 H. 4. f. 31. 50 Ed. 3. f. 7. *See* 4 & 5 *W.* & *M.* c. 16. § 5. *ſecuring Dower to Widow of Mortgagor.*

‘ IN caſe where the Huſband, being impleaded for
‘ Land, giveth up the Land demanded unto his
‘ Adverſary by Covin; after the Death of the Huſ-
‘ band, the Juſtices ſhall award the Wife her Dower, if
‘ it be demanded by Writ. But in caſe where the
‘ Huſband loſeth the Land in Demand by Default, if
‘ the Wife, after the Death of her Huſband, demandeth
‘ her Dower, it hath been proved, that ſome Juſtices
‘ have awarded unto the Woman her Dower notwith-
‘ ſtanding the Default which her Huſband made, other
‘ Juſtices being of the contrary Opinion, and judging
‘ otherwiſe. To the Intent that from henceforth ſuch
‘ Ambiguity ſhall be taken away, it is thus ordained
‘ in certain, that in both Caſes the Woman demand-
‘ ing her Dower ſhall be heard. And if it be alledg-
‘ ed againſt her, that her Huſband loſt the Land,
‘ whereof the Dower is demanded by Judgement,
‘ whereby ſhe ought not to have Dower, and then it
‘ be inquired by what Judgement, and it be found that
‘ it was by Default, whereunto the Tenant muſt an-
‘ ſwer; then it behoveth the Tenant to anſwer further,
‘ and to ſhew that he had Right, and hath in the fore-
‘ ſaid Land, according to the Form of the Writ that
‘ the Tenant before purchaſed againſt the Huſband.
‘ And if he can ſhew that the Huſband of ſuch Wife
‘ had no Right in the Lands, nor any other but he
‘ that holdeth them, the Tenant ſhall go quit, and
‘ the Wife ſhall recover nothing of her Dower; which
‘ Thing if he cannot ſhew, the Wife ſhall recover
‘ her Dower. And ſo in theſe Caſes, and in certain
‘ other following, that is to ſay, When the Wife being
‘ endowed loſeth her Dower by Default, and Tenants
‘ in free Marriage, by the Law of *England*, or for
‘ Term of Life, or in Feetail, divers Actions do con-
‘ cur for ſuch Tenants, when they muſt demand their
‘ Land loſt by Default: And when it is come to that
‘ Point, that the Tenants muſt be compelled to ſhew
‘ their Right, they cannot make anſwer without
‘ them to whom the Reverſion of Right belongeth;
‘ therefore it is granted unto them to vouch to War-
‘ ranty, as if they were Tenants, if they have a War-
‘ ranty. And when the Warrantor hath warranted,
‘ the Plea ſhall paſs between him that is ſeiſed and the
‘ Warrantor, according to the Tenor of the Writ
‘ that the Tenant purchaſed before, and by which he
‘ recovered by Default; and ſo from many Actions
‘ at length they ſhall reſort to one Judgement, which

Fitz. Dower, 80, 140, 173.

A Remedy for Tenants for Life, &c. which do loſe their Land by Default. Fitz. Voucher, 46, 59, 159, 165, 186, 261, 275, 276, 309. 11 Co. 62. Hob. 299. The particular Tenants may vouch him in the Reverſion.

IN caſu quando vir implacitatus de tenemento reddit tenementum petitum ſuo adverſario de plano poſt mortem viri Juſticiarii adjudicant mulieri dotem ſuam ſi per breve queratur. Set in caſu quando vir amittit tenementum petitum per defaltam ſi mulier poſt mortem viri ſui petat dotem compertum eſt quod per aliquos Juſticiarios adjudicata fuerit dos mulieri petenti non obſtante defalta quam vir ſuis fecit aliis Juſticiariis in contraria opinione exiſtentibus & contrarium judicantibus. Ut de cetero amputetur hujuſmodi ambiguitas ſic in certo ordinatum eſt quod in utroque caſu audiatur mulier que dotem petit. Et ſi excipiatur contra ipſam quod vir ipſum tenementum unde dos petita eſt amiſit per judicium per quod dotem habere non debet Et ſi queratur per quod judicium & compertum fuerit quod per defaltam ad quod tenens neceſſe habet reſpondere tunc oportet tenentem ulterius reſpondere & oſtendere quod ipſe tenens jus habuit & habet in predicto tenemento ſecundum formam brevis quod prius ſuper virum impetravit. Et ſi oſtendere poterit quod vir mulieris non habuit jus in tenemento nec aliquis alius quam ipſe qui tenet recedat quietus & uxor nichil capiat de dote quod ſi oſtendere non poterit recuperet mulier dotem ſuam. Et ſic in caſibus iſtis & in quibuſdam caſibus ſubſequentibus ſcilicet quando uxor dotata amittit dotem per defaltam & tenentes in maritagium per Legem Anglie vel ad terminum vite vel per feodum talliatum concurrunt plures actiones quia hujuſmodi tenentes cum oporteat eos petere tenementa ſua per defaltam amiſſa & ad hoc perventum fuerit quod tenens neceſſe habet oſtendere jus ſuum non poſſunt ipſi ſine hiis ad quos ſpectat reverſio de jure reſpondere Et ideo conceditur eis quod vocent ad warrantum ac ſi eſſent tenentes ſi warrantum habeant. Et cum warrantus warrantizaverit procedat placitum inter illum qui ſeiſitus eſt & warrantum ſecundum tenorem brevis quod tenens prius impetravit & per quod recuperavit per defaltam & ſic ex pluribus actionibus ad ultimam perveniatur ad unum judicium videlicet ad hoc quod hujuſmodi petentes recuperen

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cuperent petitionem ſuam vel quod tenentes eant quieti. Et ſi actio hujuſmodi tenentis qui neceſſe habet oſtendere jus ſuum mota fuerit per breve de Recto licet magna aſſiſa vel duellum jungi non poſſit per verba conſueta jungi tamen poſſunt per verba ſatis apta Quia cum tenens in hoc quod oſtendit jus ſuum quod ei competit per breve quod prius impetravit ſit loco actoris bene poterit warrantus defendere jus tenentis qui loco petentis ut dictum eſt habetur & ſeiſinam anteceſſoris ſui offerre defendere per corpus liberi hominis ſui vel ponere ſe in magnam aſſiſam & petere recognitionem fieri utrum ipſe majus jus habeat in tenemento petito an predictus talis. Vel alio modo jungi poterit magna aſſiſa ſic *Talis defendit jus, &c.* & cognoſcit ſeiſinam anteceſſoris ſui & ponit ſe in magnam aſſiſam, &c. & petit recognitionem fieri utrum ipſe majus jus habeat in predicto tenemento ut in illo de quo feoffavit talem vel quod talis remiſit & quietum clamavit, &c. an predictus talis. Cum aliquando contingat quod mulier non habens jus petendi dotem herede alicujus infra etatem exiſtente impetret breve de dote ſuper cuſtodem & cuſtos per favorem mulieris dotem reddiderit vel defaltam fecerit vel placitum ita ficte per colluſionem defenderit per quod dos hujuſmodi mulieri in prejudicium heredis adjudicata fuerit proviſum eſt quod heres cum ad etatem pervenerit habeat actionem petendi ſeiſinam anteceſſoris ſui verſus hujuſmodi mulierem qualem haberet verſus alium quemcumque deforciatorem Ita tamen quod ſalva ſit mulieri verſus petentem exceptio oſtendere quod jus habet in dote ſua quod ſi oſtendere poterit recedat quieta & dotem ſuam retineat & ſit heres in miſericordia & amercietur graviter ſecundum diſcretionem Juſtic' ſin autem recuperet heres petitionem ſuam. Eodem modo ſubveniatur mulieri ſi heres vel alius eam implacitaverit de dote ſua ſi dotem ſuam per defaltam amiſerit in quo caſu ſua defalta non ſit ei ita prejudicialis quin dotem ſuam ſi jus habeat recuperare poſſit & fiat ei tale breve :

Precipe A. quod juſte, &c. reddat tali que fuit uxor talis tantam terram cum pertinentiis in N. quam clamat eſſe rationabilem dotem ſuam vel de rationabili dote ſua & quam talis ei deforc'. Et ad iſtud breve habeat tenens exceptionem ſuam ad oſtendendum quod mulier jus non habet in dote quod ſi verificare poterit recedat quietus alioquin recuperet mulier tenementum quod prius tenuit in dotem. Et cum temporibus retroactis aliquis terram ſuam amiſiſſet per defaltam non habuit aliud recuperare quam per breve de recto quod eis competere non poterit qui de mero jure loqui non potuerunt veluti tenentes ad terminum vite vel per liberum maritagium vel per feodum talliatum in quibus caſibus ſalvatur reverſio proviſum eſt decetero quod eorum defalta non ſit eis ita prejudicialis quin ſtatum ſuum ſi jus habeant recuperare poſſint per aliud breve quam per breve de Recto. De maritagio amiſſo per defaltam fiat tale breve :

‘ is this, That the Demandants ſhall recover their ‘ Demand, or the Tenants ſhall go quit. And if the ‘ Action of ſuch a Tenant, which is compelled to ‘ ſhew his Right, be moved by a Writ of Right, though ‘ that the great Aſſiſe or Battail cannot be joined by ‘ the Words accuſtomed, yet it ſhall be joined by ‘ Words convenient; for when the Tenant, in that ‘ he ſheweth his Right which belongeth to him by the ‘ Writ that he before purchaſed, inſtead of a Demandant, the Warrantor may well defend the Right of ‘ the Tenant, which is accounted in Place of the Demandant, as before is ſaid, and offer to defend the ‘ Seiſin of his Anceſtors by the Body of his Freeman, ‘ or put himſelf in the great Aſſiſe, and pray Recognizance to be made, whether he hath more Right to ‘ the Land in demand, or elſe the Party before named. ‘ Or otherwiſe the great Aſſiſe may be joined thus, ‘ *Talis defendit jus, &c.* and ſo the Warrantor may ‘ defend the Right, and knowledge the Seiſin of his ‘ Anceſtor, and put himſelf in the great Aſſiſe, *&c.* ‘ and pray Recognizance to be made, whether he hath ‘ more Right in the foreſaid Land, as in that whereof ‘ he infeoffed ſuch a Man, or that ſuch a one releaſed ‘ and quit claimed, *&c.* or elſe the foreſaid Party, *&c.* ‘ And where ſometime it chanceth that a Woman ‘ not having Right to demand Dower, the Heir being ‘ within Age, doth purchaſe a Writ of Dower againſt ‘ a Guardian, and the Guardian endoweth the Woman by Favour, or maketh Default, or by Colluſion ‘ defendeth the Plea ſo faintly, whereby the Woman ‘ is awarded her Dower in Prejudice of the Heir; it ‘ is provided, That the Heir when he cometh to full ‘ Age, ſhall have an Action to demand the Seiſin of ‘ his Anceſtor againſt ſuch Woman, like as he ſhould ‘ have againſt any other Deforceor; yet ſo, that the ‘ Woman ſhall have her Exception ſaved againſt the ‘ Demandant, to ſhew that ſhe had Right to her ‘ Dower, which if ſhe can ſhew, ſhe ſhall go quit and ‘ retain her Dower, and the Heir ſhall be grievouſly ‘ amerced, according to the Diſcretion of the Juſtices; ‘ and if not, the Heir ſhall recover his Demand, *&c.* ‘ In like Manner the Woman ſhall be aided, if the ‘ Heir or any other do implead her for her Dower, or ‘ if ſhe loſe her Dower by Default, in which caſe the ‘ Default ſhall not be ſo prejudicial to her, but that ‘ ſhe ſhall recover her Dower, if ſhe have Right thereto, and ſhe ſhall have this Writ:

The Heir avoideth a Woman of her Dower recovered againſt his Guardian.

A woman's Dower recovered againſt her by Default.

II. Præcipe A. quod juſte, &c. reddat B. quæ fuit uxor F. tantam terram cum pertinentiis in C. quam clamat eſſe rationabilem dotem ſuam, vel de rationabili dote ſua, & quod prædictus A. ei deforceat, &c. 6 Co. 8. Co. Lit. 131. b. 354. b. 355. a. 356. a.

‘ And to this Writ the Tenant ſhall have his Exception, to ſhew that ſhe had no Right to be endowed; which if he can verify, he ſhall go quit; if ‘ not, the Woman ſhall recover the Land whereof ſhe ‘ was endowed before. And whereas before time, ‘ if a Man had loſt his Land by Default, he had none ‘ other Recovery than by a Writ of Right, which ‘ was not maintainable by any that could not claim ‘ of meer Right, as Tenants for Term of Life, in ‘ free Marriage, or in Tail, in which Eſtates a Reverſion is reſerved; it is provided, That from ‘ henceforth their Default ſhall not be ſo prejudicial, ‘ but that they may recover their Eſtate by another ‘ Writ than by a Writ of Right, if they have Right. ‘ For Land in free Marriage, loſt by Default, ſuch a ‘ Writ ſhall be made:

Quod ei deforceat for Tenant in Frank-marriage.
For Tenant for Life, or in Tail.
Fitz. Quod ei deforceat, 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 17.
Cro. Car. 445.
F. N. B. 155. b.
Regiſt. 171. b. 230.
Raſt. 491.

Præcipe A. quod juſte, &c. reddat B. manerium de D. cum pertinentiis, quod clamat eſſe jus & maritagium ſuum, & quod A. ei injuſte deforceat.

'Likewiſe of Land for Term of Life, loſt by Default, this Writ ſhall be made:

Præcipe A. quod juſte, & ſine dilatione, &c. reddat B. manerium de D. cum pertinentiis, quod clamat tenere ad terminum vitæ ſuæ, & quod predictus A. ei deforceat. *Likewiſe,*

Quod clamat tenere ſibi, & hæredibus de corpore ſuo legitime procreatis, & quod predictus A. ei deforceat.

Ex Rot. in Turr. Lond.

Precipe A. quod juſte, &c. reddat B. tale manerium de C. cum pertinentiis quod clamat eſſe jus & maritagium ſuum & quod A. ei injuſte deforc'.

Eodem modo de tenemento tento ad terminum vite per defaltam amiſſo fiat breve:

Precipe A. quod juſte & ſine dilation' reddat B. manerium de C. cum pertinentiis quod clamat eſſe jus & maritagium ſuum & quod predictus A. ei injuſte deforc' vel, quod clamat tenere ad terminum vite ſue, vel, quod clamat tenere ſibi & heredibus ſuis de corpore ſuo exeuntibus & quod predictus A. ei injuſte deforc'.

CAP. V.

Remedies to redreſs Uſurpations of Advowſons of Churches, &c.

Three original Writs of Advowſon.
2 Inſt. 353.
13 Co. 6.
1 Roll. 151, 156, 157, 158, 211, 462.
St. 7 Ann. c. 18.
Raſt. 101, 144, 496.
3 Bulſtr. 40.
Hob. 240.

"WHereas of Advowſons of Churches there be but Three original Writs, that is to ſay, "One Writ of Right, and two of Poſſeſſion, which "be *Darrien Preſentment*, and *Quare impedit*; and "hitherto it hath been uſed in the Realm, that when "any having no Right to preſent, had preſented to "any Church, whoſe Clerk was admitted, he that was "very Patron could not recover his Advowſon, but "only by a Writ of Right, which ſhould be tried by "Battail or by great Aſſiſe, whereby Heirs within Age, "by Fraud, or elſe by Negligence of their Wardens, "and Heirs both of great and mean Eſtate, by "Negligence or Fraud of Tenants by the Courteſie, "Women Tenants in Dower, or otherwiſe, for Term "of Life, or for Years, or in Fee-tail, were many "Times diſherited of their Advowſons, or at leaſt "(which was the better for them) were driven to their "Writ of Right, in which Caſe hitherto they were "utterly diſinherited;" 'it is provided, That ſuch 'Preſentments ſhall not be ſo prejudicial to the right 'Heirs, or to them unto whom ſuch Advowſons ought 'to revert after the Death of any Perſons: For 'as often as any, having no Right, doth preſent during 'the Time that ſuch Heirs are in Ward, or during 'the Eſtates of Tenants in Dower, by the Courteſie, 'or otherwiſe for Term of Life, or of Years, or in 'Tail; at the next Avoidance, when the Heir is come 'to full Age, or when after the Death of the Tenants 'before named the Advowſon ſhall revert unto the 'Heir being of full Age, he ſhall have ſuch Action 'by Writ of Advowſon Poſſeſſorie, as the laſt An-'ceſtor of ſuch an Heir ſhould have had at the laſt 'Avoidance happening in his Time, being of full Age 'before his Death, or before the Demiſe was made 'for Term of Life, or in Fee-tail, as before is ſaid.

Preſentations to Churches of Women during their Coverture.

'The ſame ſhall be obſerved in Preſentments 'made unto Churches, being of the Inheritance of 'Wives, what Time they ſhall be under the Power 'of their Huſbands, which muſt be aided by this 'Eſtatute by the Remedy aforeſaid.

Churches of religious Perſons.

Alſo religious Men, as Biſhops, Archdeacons, Parſons of 'Churches, and other ſpiritual Men, ſhall be aided 'by this Eſtatute, in caſe any having no Right to 'preſent do preſent unto Churches belonging to Pre-'lacies, ſpiritual Dignities, Parſonages, or to Houſes 'of Religion, what Time ſuch Houſes, Prelacies, 'ſpiritual Dignities, or Parſonages be vacant.

Judgments given ſhall not be reverſed but by Writ of Error or Attaint.
39 Ed. 3. 15.

'II. Neither ſhall this Act be ſo largely underſtanden, 'that ſuch Perſons, for whoſe Remedy this Statute was 'ordained, ſhall have the Recovery aforeſaid, ſurmiſing that Guardians of Heirs, Tenants in Tail, by

CUM de advocationibus eccleſiarum non ſint niſi tria brevia originalia videlicet breve de Recto & duo de Poſſeſſione ſcilt. Ultime preſentationis & Quare impedit & hucuſque uſitatum fuerit in regno quod cum aliquis jus non habens preſentandi preſentaverit ad aliquam eccleſiam cujus preſentatus ſit admiſſus ipſe qui verus eſt patronus per nullum aliud breve recuperare poterit advocationem ſuam quam per breve de Recto quod habet terminari per duellum vel per magnam aſſiſam per quod heredes infra etatem exiſtentes per fraudem & negligentiam cuſtodum heredes etiam ſive majores ſive minores per negligentiam vel fraudem tenentium in dotem per Legem Anglie vel mulierum tenentium in dotem vel alio modo ad terminum vite vel annorum vel feodum talliatum multotiens exheredationem patiebantur de advocationibus ſuis vel ad minus quod melius eis fuit ponebantur ad breve de Recto & in caſu omnino exheredati fuerunt hucuſque ſtatutum eſt quod hujuſmodi preſentationes non ſint hujuſmodi rectis heredibus aut illis ad quos poſt mortem aliquorum hujuſmodi advocationes reverti debent prejudiciales quia quotienſcumque aliquis jus non habens tempore hujuſmodi cuſtodiarum preſentaverit vel tempore tenentium in dotem per Legem Anglie vel alio modo ad terminum vite vel annorum vel per feodum talliatum in proxima vacatione poſtquam heres ad etatem pervenerit vel advocatio poſt mortem in forma predicta tenentium ad heredem plene etatis exiſtentem revertitur habeat eandem actionem & exceptionem per breve de Advocatione poſſeſſorium qualem haberet ultimus anteceſſor hujuſmodi heredis plenam habens etatem in ultima vacatione tempore ſuo accidente ante mortem ſuam vel antequam dimiſſio facta fuerit ad terminum vel ad feodum talliatum ut predictum eſt. Hoc idem obſervetur de preſentationibus factis ad eccleſias de hereditate uxorum tempore quo fuerunt ſub poteſtate virorum ſuorum quibus per iſtud ſtatutum ſubveniatur per remedium ſupradictum. Viris etiam religioſis Epiſcopis Archiepiſcopis Rectoribus eccleſiarum & aliis perſonis eccleſiaſticis per iſtud idem ſtatutum ſubveniatur Si quis jus preſentandi non habens preſentaverit ad eccleſias domibus ſuis prelatie dignitati aut perſonatui ſpectantes tempore quo vacaverint prelatie dignatates aut perſonatus hujuſmodi.

Nec tamen ita large intelligatur iſtud ſtatutum quod perſone ad quarum remedium iſtud ſtatutum eſt editum habeant recuperare ſupradictum dicentes quod cuſtodes tenentes in dotem per Legem Anglie

Ex Rot. in Tur. Lond.

Anglie vel aliter ad terminum vite vel annorum vel viri ficte defenderunt placitum per ipſos vel contra ipſos motum Quia judicia in curia Regis reddita per iſtud ſtatutum non adnichilentur ſet ſtet judicium in ſuo robore quouſque per judicium curie Regis tanquam erroneum ſi error inveniatur adnulletur vel aſſiſa Ultime preſentationis vel Inquiſitio per breve Quare impedit ſi tranſierit per attinctam vel per certificationem adnulletur que gratis concedatur. Et de cetero una forma placitandi in brevibus Ultime preſentationis & Quare impedit inter Juſtic' obſervetur quoad hoc ſi pars rea excipiat de plenitudine eccleſie per ſuam propriam preſentationem non propter plenitudinem illam remaneat loquela dummodo breve infra tempus ſemeſtre impetretur quamquam infra tempus ſemeſtre preſentationem ſuam recuperare non poſſit. Et cum aliquando inter plures clamantes advocationem alicujus eccleſie pax fuerit formata inter partes & irrotulata coram Juſtic' in rotulo vel in fine ſub hac forma quod unus primo preſentet & in ſequente vacatione alius & in tertia tertius et ſic de pluribus ſi plures ſint Et cum unus preſentaverit et habuerit ſuam preſentationem quam habere debet per formam illius conventionis et in proxima vacatione impediatur ille ad quem ſequens ſpectat preſentatio per aliquem qui fuit pars illius conventionis vel loco ejus ſtatutum eſt quod decetero non habeant hujuſmodi impediti neceſſe perquirere breve Quare impedit ſet habeat recurſum ad rotulum vel ad finem Et ſi in rotulo vel in fine comperta fuerit predicta pax vel conventio mandetur vicecomiti quod ſcire faciat parti impedienti quod ſit ad aliquem brevem diem continentem ſpatium quindecim dierum vel trium ſeptimanarum ſecundum quod locus eſt propinquus vel remotus oſtenſurus ſi quid ſciat dicere quare ſic impeditus talem preſentationem ſuam habere non debeat Et ſi non venerit vel forte venerit et nichil ſciat dicere quare ſic impeditus preſentationem ſuam habere non debeat ratione alicujus facti poſt pacem irrotulatam vel cirographatam recuperet preſentationem ſuam cum dampnis ſuis. Et cum contingat quod poſt mortem anteceſſoris ſui qui ad eccleſiam preſentaverit aſſignata fuerit illa advocatio in dotem alicujus mulieris vel teneatur per Legem Anglie et tenentes in dotem [*vel*] per Legem Anglie preſentaverint et verus heres poſt mortem hujuſmodi tenentium per Legem Anglie vel in dotem impediatur preſentare cum eccleſia vacaverit proviſum eſt quod decetero ſit in electione impediti utrum perquirere velit per breve Quare impedit vel Ultime preſentationis. Hoc etiam obſervetur de advocationibus dimiſſis ad terminum vite vel annorum vel ad feodum talliatum.

Et decetero in brevibus Ultime preſentationis & Quare impedit adjudicentur dampna videlicet ſi tempus ſemeſtre tranſierit per impedimentum alicujus ita quod ſi Epiſcopus eccleſiam conferat & verus patronus ea vice preſentationem ſuam amittat adjudicentur dampna ad valorem medietatis[a] eccle-

‘ the Courteſie, Tenants in Dower, for Term of Life, ‘ or for Years, or Huſbands, faintly have defended ‘ Pleas moved by them, or againſt them; becauſe the ‘ Judgements given in the King's Courts ſhall not ‘ be adnulled by this Statute, the Judgement ſhall ſtand ‘ in his Force, until it be reverſed in the Court of the ‘ King as erroneous, if Errour be found; or by Aſſiſe ‘ of *Darrein preſentment*, or by Enqueſt by a Writ of ‘ *Quare impedit*, if it be paſſed, or be adnulled by ‘ Attaint, or Certification, which ſhall be freely ‘ granted. And from henceforth one Form of Plead- ‘ ing ſhall be obſerved among Juſtices in Writs of ‘ *Darrein Preſentment* and *Quare impedit*, in this Re- ‘ ſpect, if the Defendant alledgeth Plenarty of the ‘ Church of his own Preſentation, the Plea ſhall not ‘ fail by reaſon of the Plenarty; ſo that the Writ be ‘ purchaſed within ſix Months, though he cannot re- ‘ cover his Preſentation within the ſix Months. And ‘ ſometimes when an Agreement is made between ‘ many claiming one Advowſon, and inrolled before ‘ the Juſtices in the Roll, or by Fine, in this Form ‘ that one ſhall preſent the firſt Time, and at the next ‘ Avoidance another, and the third Time another; ‘ and ſo of many, in caſe there be many. And when ‘ one hath preſented, and had his Preſentation, which ‘ he ought to have according to the Form of their ‘ Agreement and Fine, and at the next Avoidance ‘ he to whom the ſecond Preſentation belongeth, is ‘ diſturbed by any that was Party to the ſaid Fine, or ‘ by ſome other in his Stead; it is provided, That ‘ from henceforth they that be ſo diſturbed ſhall have ‘ no need to ſue a *Quare impedit*, but ſhall reſort to the ‘ Roll or Fine; and if the ſaid Concord or Agreement ‘ be found in the Roll or Fine, then the Sheriff ſhall ‘ be commanded, that he give Knowledge unto the ‘ Diſturber, that he be ready at ſome ſhort Day, con- ‘ taining the Space of Fifteen Days, or three Weeks ‘ (as the Place happeneth to be near or far) for to ſhew ‘ if he can alledge any Thing, wherefore the Party ‘ that is diſturbed ought not to preſent: And if he ‘ come not, or peradventure doth come, and can ‘ alledge nothing to bar the Party of his Preſenta- ‘ tion, by Reaſon of any Deed made or written * ‘ ſince the Fine was made or inrolled, he ſhall recover ‘ his Preſentation with his Damages. And where it ‘ chanceth that after the Death of the Anceſtor of him ‘ that preſented his Clerk unto a Church, the ſame ‘ Advowſon is aſſigned in Dower to any Woman, or ‘ to Tenant by the Curteſie, which do preſent, and ‘ after the Death of ſuch Tenants the very Heir is diſ- ‘ turbed to preſent when the Church is void, it is pro- ‘ vided, That from henceforth it ſhall be in the Elec- ‘ tion of the Party diſturbed, whether he will ſue a ‘ Writ of *Quare impedit*, or of *Darrein Preſentment*. ‘ The ſame ſhall be obſerved in Advowſons demiſed ‘ for Term of Life, or Years, or in Fee-tail.

The Defendant pleadeth Plenarty of his own Preſentation. Cro. El. 207. Cro. Jac. 166. 6 Co. 61. Fitz. Quare impedit, 19, 48, 73, 96, 116, 169. Fitz. Encumbent, 1, 2, 4. Bro. Plenarty, 1, 2, 7, 11, 12, 14, 15, 16. Preſentations to a Church by Compoſition. Bro. Preſentat. 46, 58. Co. Lit. 344. 5. Co. 102. 13 Ed. 4. 3. Dyer 29. Fitz. Quare impetit, 7. 49, 62, 196. Fitz. Darrein preſent. 11. Co. pl. 468. 479. See 3 Bur. 1455.

Hob. 244. The Remedy for a Diſturbance after a particular Eſtate ended. *Any thing done ſince, &c.

Fitz. Darrein preſent. 13.

‘ III. And from henceforth in Writs of *Quare im- ‘ pedit* and *Darrein Preſentment*, Damages ſhall be a- ‘ warded, that is to wit, If the Time of ſix Months ‘ paſs by the Diſturbance of any, ſo that the Biſhop ‘ do confer to the Church, and the very Patron loſeth ‘ his Preſentation for that Time, Damages ſhall be ‘ awarded for two Years Value of the Church. And ‘ if the ſix Months be not paſſed, but the Preſent- ‘ ment be deraigned within the ſaid Time, then Da- ‘ mages

Damages in Quare impedit and Darrein preſentment. Regiſt. jud. 50. V. N. B. 25, 26. In Caſe of the King. Cro. El. 31. 162. Hob. 242. Fitz. Damage, 4, 9, 17, 29, 38, 93, 106.

[a] Eccleſie de duobus annis Et ſi tempus ſemeſtre non tranſierit ſet diſrationetur preſentatio infra tempus predictum tunc adjudicentur dampna ad valorem medietatis eccleſie per unam annum. *MS. Antiq.*

Ex Rot. in Turr. Lond.

Fitz. Quare impedit, 24, 45. Dyer, 135, 236, 241. Kel. 57. 6 Co. 48. 2 Roll. 112.

'mages ſhall be awarded to the Half Year's Value of the Church; and if the Diſturber have not whereof he may recompenſe Damages, in caſe where the Biſhop conferreth by Lapſe of Time, he ſhall be puniſhed by two Years Impriſonment: And if the Advowſon be deraigned within the half Year, yet the Diſturber ſhall be puniſhed by the Impriſonment of half a Year.

Quare impedit of Prebends, Vicarages, Hoſpitals, &c. 24 Ed. 3. 26. Fitz. Quare impedit, 4, 16, 18, 27, 30, 38, 70, 82, 129, 140, 157, 183. Diſturbance by Indicavit. Regiſt. 35. 31 H. 6. 13. Bro. Droit, 8. 7 Co. 25, 27.

'IV. And from henceforth Writs ſhall be granted for Chapels, Prebends, Vicarages, Hoſpitals, Abbeys, Priories, and other Houſes which be of the Advowſons of other Men, that have not been uſed to be granted before. And when the Parſon of any Church is diſturbed to demand Tythes in the next Pariſh by a Writ of *Indicavit*, the Patron of the Parſon ſo diſturbed, ſhall have a Writ to demand the Advowſon of the Tythes being in demand; and when it is deraigned, then ſhall the Plea paſs in the Court Chriſtian, as far forth as it is deraigned in the King's Court.

Et de cetero concedantur brevia de Capellis prebendis vicariis Hoſpitalibus Abbatiis Prioratibus & aliis domibus que ſunt de advocationibus aliquorum que prius concedi non conſueverunt. Et cum per breve Indicavit impediatur rector alicujus eccleſie ad petendum decimas in vicina parochia habeat patronus rectoris ſic impediti breve ad petendum advocationem decimarum petitarum Et cum diſrationaverit procedat poſtmodum placitum in curia Chriſtianitatis quatenus diſrationatum fuerit in curia Regis.

35 H. 6. 60. 38 H. 6. 9. 22 Ed. 4. 8. Uſurpation by one Coparcener upon another.

'V. When an Advowſon deſcendeth unto Parceners, though one preſent twice, and uſurpeth upon his Coheir, yet he that was negligent ſhall not be clearly barred, but another Time ſhall have his Turn to preſent when it falleth.'

Cum advocatio deſcendit participibus licet unus bis preſentet & uſurpet ſuper coheredem non propter hoc excluſus ſit ille in toto qui fuit negligens ſet alias habeat turnum ſuum preſentandi cum acciderit.

Fitz. Quare impedit, 1, 3, 7, 8, 20, 39, 40, 51, 58, 59, 64, 65, 69, 104, 148, 196. Raſt. 101, 144, 496. Hob. 238. *See* 2 & 3 Ed. 6. c. 13. *for Payment of Tythes*, &c. *See farther Index, tit.* Advowſon.

CAP. VI.

The Penalty if a Tenant impleaded voucheth, and the Vouchee denieth his Warranty.

The Penalty where the Voucher denieth his Warranty. 2 Inſt. 366. 45 Ed. 3. 16.

"WHEN any demandeth Land againſt another, and the Party that is impleaded voucheth to Warranty, and the Warrantor denieth his Warranty, and the Plea hangeth long between the Tenant and the Warrantor; and at length, when it is tried, that the Vouchee is bound to Warranty: by the Law and Cuſtom of the Realm hitherto uſed there was none other Puniſhment aſſigned for the Vouchee that denieth his Warranty, but only that he ſhould warrantize, and ſhould be amerced, becauſe he did not warrant before, which was prejudicial unto the Demandant, becauſe he ſuffered oftentimes great Delays by Colluſion between the Tenant and the Warrantor." 'Wherefore our Lord the King hath ordained, That like as the Tenant ſhould leeſe the Land being in Demand, in caſe where he vouched, and the Vouchee could diſcharge himſelf of the Warranty, in the ſame wiſe ſhall the Warrantor leeſe in caſe where he denieth his Warranty, and it be tried againſt him that he is bounden to Warranty. And if an Inqueſt be depending between the Tenant and the Warrantor, and the Demandant will require a Writ to cauſe the Jury to come, it ſhall be granted him.'

CUM quis petat tenementum verſus alium & implacitatus vocaverit ad warrantum & warrantus dedicat warrantiam & diu pendeat placitum inter tenentem & warrantum cum ad ultimum convincatur quod vocatus ad warrantum warrantizare tenetur per legem & conſuetudinem hactenus uſitatam non fuit aliqua pena inflicta vocato qui warrantizare dedixit niſi tantum quod warrantizaret & eſſet in miſericordia quia prius non warrantizavit quod durum fuit petenti qui multotiens per colluſionem inter tenentem & warrantum magnas ſuſtinuit dilationes. Propter quod ſtatuit dominus rex quod ſicut tenens amitteret tenementum petitum ſi vocaſſet ad warrantum & warrantus ſe poſſet devolvere de warrantia eodem modo amittat warrantus ſi warrantiam dedicat & convincatur quod warrantizare debeat. Et ſi inquiſitio pendeat inter tenentem & warrantum & petens petat breve ad faciendum venire juratam concedatur ei.

A Venire facias at the Demandant's Requeſt. Raſt. 352, 687, &c.

CAP. VII.

Admeaſurement of Dower for the Guardian and the Heir, and the Proceſs therein.

Proceſs in a Writ of Admeaſurement of Dower or Paſture. Fitz. Admeaſur. 2, 4, 5, 9, 10, 13, 17.

A Writ of *Admeaſurement of Dower* ſhall be from henceforth granted to a Guardian; neither ſhall the Heir, when he cometh to full Age, be barred by the Suit of ſuch a Guardian, that ſueth againſt the Tenant in Dower feignedly, and by Colluſion, but that he may admeaſure the Dower after, as it

CUſtodi decetero concedatur breve de Amenſuratione dotis nec per ſectam cuſtodis ſi ficte & per colluſionem ſequatur verſus mulierem tenentem in dotem precludatur heres cum ad etatem pervenerit ad dotem amenſurandam ſecundum quod per Legem Anglie fuerit amenſuranda. Et tam in brevi

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brevi iſto quam in brevi de Amenſuratione paſture celerior quam prius decetero ſit proceſſus Ita quod cum perventum fuerit ad magnam diſtrictionem dentur dies infra quos duo comitatus teneantur ad quos publica fiat proclamatio quod defendens veniat ad diem in brevi contentum querenti reſponſurus ad quem diem ſi venerit procedat placitum inter eos. Et ſi non venerit & proclamatio ſupradicto modo per vicecomitem teſtificata fuerit procedatur per defaltam ad amenſurationem faciendam.

'ought to be admeaſured by the Law of *England*.
'And as well in this Writ as in a Writ of *Admeaſure-* 7 Ed. 4. 22.
'*ment of Paſture*, more ſpeedy Proceſs ſhall be award- 18 Ed. 3. 30.
'ed than hath been uſed hitherto; ſo that when it is
'come unto the great Diſtreſs, Days ſhall be given,
'within which two Counties may be holden, at the
'which open Proclamation ſhall be made, that the
'Defendant ſhall come in at the Day contained in
'the Writ, to anſwer to the Plaintiff; at which Day,
'if he come in, the Plea ſhall paſs between them;
'and if he do not come, and the Proclamation be teſ- Regiſt. 177, 297.
'tified by the Sheriff in Manner aboveſaid, upon his 2 Inſt. 367.
'Default they ſhall make Admeaſurement.'

CAP. VIII.

In what Caſe a *Secundæ ſuperoneratione Paſturæ* ſhall be awarded.

CUM per placitum motum per breve de Amenſuratione paſture paſtura fuerit amenſurata aliquando coram Juſtic' aliquando in comitatu coram vicecomite multotiens contingit quod poſt hujuſmodi amenſurationem factam iterum ponit ille qui primo ſuperoneravit paſturam plura animalia quam ad ipſum pertinet habenda nec hucuſque proviſum eſſet remedium ſtatutum eſt quod de ſecunda ſuperoneratione fiat remedium querenti ſub hac forma quod conquerens habeat breve de Judicio ſi coram Juſtic' amenſurata fuerit paſtura quod vicecomes in preſentia partium premunitarum ſi intereſſe voluerint inquirat de ſecunda ſuperoneratione que ſi inventa fuerit mandetur Juſtic' ſub ſigillo vicecomites & ſigillis juratorum & Juſticiarii adjudicent dampna conquerenti & ponant in extractis valorem animalium que ſuperonerans poſt amenſurationem factam poſuit in paſturam ultra quod debuit & extractas liberent Baronibus de Scaccario ut inde reſpondeant domino regi. Si in comitatu facta fuerit amenſuratio tunc ad inſtantiam querentis exeat breve de cancellaria quod vicecomes inquirat ſuper hujuſmodi ſuperoneratione Et de averiis poſitis in paſtura ultra debitum numerum vel de pretio domino regi ad ſcaccarium ſuum reſpondeant. Et ne vicecomites fraudem faciant domino Regi in iſto caſu concordatum eſt quod omnia hujuſmodi brevia de ſecunda ſuperoneratione que exeunt de cancellaria irrotulentur & in fine anni mittatur tranſcriptum ad Scaccarium ſub ſigillo Cancellarii ut videant Theſaurarius & Barones de Scaccario qualiter vicecomites reſpondeant de exitibus hujuſmodi brevium. Eodem modo irrotulentur brevia de Rediſſeiſina & mittantur ad Scaccarium in fine anni.

"WHereas by a Plea moved upon a Writ of *Ad-* 2 Inſt. 369.
"*meaſurement of Paſture*, the Paſture was ſome- Raſt. 22.
"time admeaſured before the Juſtices, ſometime be-
"fore the Sheriff in the County, and it chanced
"many Times, after ſuch Admeaſurement made, the
"Paſture to be overcharged again by him that firſt
"did it, with more Beaſts than he ought to keep,
"whereupon no Remedy hath been yet provided;"
"it is ordained, That upon the ſecond Overcharge,
'the Plaintiff ſhall have Remedy in this Manner: If
'the Admeaſurement were before the Juſtices, the
'Plaintiff ſhall have a Writ judicial, that the Sheriff
'in Preſence of the Parties being ſummoned (if they
'will come) ſhall inquire of the ſecond Overcharge;
'which if it be found, it ſhall be returned before the
'Juſtices, under the Seals of the Sheriff, and the Seals
'of the Jurors; and the Juſtices ſhall award the Admeaſurement
'Plaintiff Damages, and ſhall put in the Extreats the before Juſtices.
'Value of the Beaſts which were put into the Paſture
'after ſuch Admeaſurement more than he ought, and
'ſhall deliver the Extreats unto the Barons of the Ex-
'chequer, whereof they ſhall anſwer unto the King.
'If ſuch Admeaſurement were made in the County, Admeaſurement
'then, at the Requeſt of the Plaintiff, a Writ ſhall in the County.
'go out of the Chancery, that the Sheriff ſhall inquire
'of ſuch Overcharge; and for the Beaſts put in the
'Paſture above the due Number, or for the Value of
'them, he ſhall anſwer to the King at the Exche-
'quer. And leſt the Sheriff might defraud the King
'in this Caſe, it is agreed, that all ſuch Writs *De ſe-*
'*cunda ſuperoneratione*, that paſs out of the Chancery,
'ſhall be inrolled, and at the Year's End the Tran-
'ſcripts ſhall be ſent into the Exchequer under the
'Chancellor's Seal, that the Treaſurer and Barons
'of the Exchequer may ſee how the Sheriff doth an-
'ſwer of the Iſſues of ſuch Writs. In the ſame wiſe,
'Writs of Rediſſeiſin ſhall be inrolled and ſent into Regiſt. 157.
'the Exchequer at the Year's End.'

CAP. IX.

In what Caſe the Writ of Meſne is to be purſued.

CUM capitales domini diſtringant feodum ſuum pro ſervitiis & conſuetudinibus ſibi debitis & medius ſit qui tenentem acquietare debet cum non jaceat in ore tenentis poſtquam diſtrictionem replegiaverit dedicere demandam capitalis domini qui advocat in curia domini regis juſtam diſtrictio-

"WHEN chief Lords diſtrain in their Fee for 2 Inſt. 370.
"Cuſtoms and Services to them due, and there
"is a Mean which ought to acquit the Tenant,
"ſithence it lieth not in the Mouth of the Tenant,
"after that he hath replevied the Diſtreſs, to deny the
"Demand of the chief Lord, which avoweth in the
"King's

" King's Court, that the Diſtreſs is lawfully taken " upon his Tenant, which is upon the Mean; and " many have been heretofore ſore grieved by ſuch Di- " ſtreſſes, in ſo much as the Mean (notwithſtanding " that he hath whereby he may be diſtrained) doth " make long Delays before he will come into the Court " to anſwer for his Tenant unto the Writ of Mean; " and further, the Caſe was moſt hard when the " Mean had nothing: In caſe alſo when the Te- " nant was ready to do his Services and Cuſtoms un- " to his Lord, and the chief Lord would refuſe to " take ſuch Services and Cuſtoms by the Hands of any " other than of his next Tenant, and ſo ſuch Tenants " in Demean loſt ſomewhiles the Profits of their Lands " for a Time, and ſomewhiles for their whole Time, " and hitherto no Remedy hath been provided in " this Caſe;" " a Remedy is provided and ordained

A Writ of Meſne, and the Proceſs therein. Regiſt. 160. Fitz. Meſne, 1, 3, 7, 11, 12, 15, 16, 17, 19, 20, 21, 24, 56, 58.

' hereafter in this Form, That ſo ſoon as ſuch Tenant ' in Demean (having a Mean between him and the ' chief Lord) is diſtrained, incontinent the Tenant ' ſhall purchaſe his Writ of Mean. And if the Mean, ' having Land in the ſame County, abſent himſelf ' until the great Diſtreſs awarded, the Plaintiff ſhall ' have ſuch Day given him in his Writ of great Diſ- ' treſs, afore the coming whereof two Counties may ' be holden, and the Sheriff ſhall be commanded to ' diſtrain the Mean by the great Diſtreſs, like as it is ' contained in the Writ, and nevertheleſs the Sheriff ' in two full Counties ſhall cauſe to be proclaimed ſo- ' lemnly, that the Mean do come at a Day contained ' in the Writ, to anſwer his Tenant; at which Day,

Fitz. Proclamat. 20, 21. Co. Lit. 100. a. Fitz. Meſne, 3. 18, 47, 57, 66, 67, 70.

' if he come, the Plea ſhall paſs between them after ' the common Uſage; and if he do not come, then ' ſuch Meſne ſhall loſe the Services of his Tenant, ' and from thenceforth the Tenant ſhall not anſwer ' him in any Thing; but the ſame Mean being ex- ' cluded, he ſhall anſwer unto the chief Lord for ſuch ' Services and Cuſtoms as before he ought to have done ' to the ſame Mean; neither ſhall the chief Lord have ' Power to diſtrain, ſo long as the aforeſaid Tenant

The Mean fore-judged of his Fee and Services.

' doth offer him the Services and Cuſtoms due. ' And if the Chief Lord exact more than the Mean ' ought to do, the Tenant in ſuch Caſe ſhall have ' ſuch Exceptions as the Mean ſhould. And if the ' Mean have nothing within the King's Dominion, ' the Tenant ſhall nevertheleſs purchaſe his Writ of ' Mean to the Sheriff of the ſame Shire wherein he is ' diſtrained. And if the Sheriff return, that he hath ' nothing whereby he may be ſummoned, then ſhall ' the Tenant ſue his Writ of *Attachment*. And if ' the Sheriff return, that he hath nothing to be at- ' tached by, he ſhall nevertheleſs ſue his Writ of ' *Great Diſtreſs*, and Proclamation ſhall be made in ' Form aboveſaid. And if the Mean have no Land ' in the Shire where the Diſtreſs is taken, but hath ' Land in ſome other Shire, then a Writ Original ' ſhall iſſue to ſummon the Mean unto the Sheriff of ' the ſame Shire where the Diſtreſs is taken, and ' when it is returned by the Sheriff that he hath no- ' thing in his Shire, a Writ Judicial ſhall iſſue to ſum- ' mon the Mean unto the Sheriff of the ſame Shire, ' in which it ſhall be teſtified that he hath Land, and ' Suit ſhall be made in the ſame Shire until they have ' paſſed unto the Great Diſtreſs and Proclamation, ' as above is ſaid in the Mean having Land in the ' ſame Shire in which the Diſtreſs is taken. And ne- ' vertheleſs Suit ſhall be made in the ſame Shire where ' he hath nothing, as above is ſaid of the Mean that

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nem fieri ſuper tenentem ſuum videlicet ſuper me- dium multi per hujuſmodi diſtrictiones hucuſque gravati extiterunt per hoc quod melius licet haberet per quod diſtringi poſſet magnas fecerit dilationes antequam ad curiam venerit ad reſpondendum hujuſmodi tenentibus ſuis ad breve de medio per hoc etiam quod durius fuit in caſu quando medius nichil habuit In caſu etiam quando ſi tenens para- tus eſſet facere capitali domino ſervicia & conſue- tudines exactas & capitalis dominus ſervicia & con- ſuetudines ſibi debitas renuebat percipere per ma- nus alterius quam proximi tenentis ſui & ſic ami- ſerunt hujuſmodi tenentes in dominico proficuum terrarum ſuarum aliquando ad tempus aliquando toto tempore ſuo nec fuit antea aliquod remedium in hoc caſu proviſum Ordinatum eſt & proviſum in hoc caſu remedium impoſterum ſub hac forma quod quam cito hujuſmodi tenens in dominico habens medium inter ipſum & capitalem domi- num diſtringitur ſtatim perquirat ſibi tenens breve de Medio & ſi medius habens terram in eodem comitatu diffugerit uſque ad magnam diſtrictio- nem detur querenti in brevi ſuo de magna di- ſtrictione talis dies ante cujus adventum duo co- mitatus teneantur & precipiatur vicecomiti quod diſtringat medium per magnum diſtrictionem prout in brevi continetur Et nichilominus vicecomes in duobus plenis comitatibus ſolempniter proclamari faciat quod hujuſmodi medius veniat ad diem in brevi contentum reſponſurus tenenti ſuo ad quem diem ſi venerit procedat placitum inter eos modo conſueto Et ſi non venerit amittat hujuſmodi medi- us ſervicium tenentis ſui & amodo non reſpondeat ei tenens in aliquo ſet omiſſo illo medio reſpondeat capitali domino de eiſdem ſerviciis & conſuetudini- bus que prius facere debuit predicto medio nec ha- beat capitalis dominus poteſtatem diſtringendi dum predictus tenens oſterat ei ſervicia debita & con- ſueta. Et ſi capitalis dominus exegerit pluſquam medius ei facere deberet habeat tenens in hoc caſu exceptionem quam haberet medius. Si vero me- dius nichil habuerit in poteſtate Regis nichilomi- nus perquirat tenens breve ſuum de medio ad vice- comitem illius comitatus in quo diſtringitur. Et ſi vicecomes mandaverit quod nichil habet ubi po- teſt ſummoneri nichilominus ſequatur breve de at- tachiamento. Et ſi vicecomes mandaverit quod nichil habet per quod poteſt attachiari nichilomi- nus ſequatur breve de magna diſtrictione & fiat proclamatio in forma predicta. Si vero medius non habet terram in comitatu in quo fit diſtrictio ſet habeat terram in alio comitatu tunc exeat breve originale ad ſummonendum medium ad vicecomi- tem illius comitatus in quo fit diſtrictio & cum teſtificatum fuerit per illum vicecomitem quod ni- chil habeat in comitatu ſuo exeat breve de Judicio ad ſummonendum medium ad vicecomitem illius comitatus in quo teſtificatum fuerit quod habet te- nementa & fiat ſecta in illo comitatu quouſque perveniatur ad magnam diſtrictionem & procla- mationem ſicut dictum eſt ſupra de medio habente terram in eodem comitatu in quo fit diſtrictio & nichilominus fiat ſecta in comitatu in quo nichil habet ſicut dictum eſt ſupra de medio nichil ha- bente quouſque perveniatur ad magnam diſtrictio nem & proclamationem & ſic poſt proclamationem in utroque comitatu factam abjudicetur medius a feodo & ſervicio ſuo. Et cum aliquando contin-

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gat quod tenens in dominico feoffatus eſt ad tenendum per minus ſervicium quam medius facere debuit capitali domino cum poſt hujuſmodi proclamationem attornatus ſit tenens capitali domino medio omiſſo neceſſe habet tenens reſpondere capitali domino de ſerviciis & conſuetudinibus que medius ei prius facere debuit. Et poſtquam venerit medius in curia & cognoverit quod acquietare debeat tenentem ſuum vel adjudicetur ad acquietandum ſi poſt hujuſmodi cognitionem vel judicium querimonia perveniat quod medius non acquietavit tenentem ſuum tunc exeat breve de Judicio quod vicecomes diſtringat medium ad acquietandum tenentem ſuum & ad eſſendum coram Juſticiariis ad certum diem ad oſtendendum quare prius non acquietavit Et cum per diſtrictionem venerit audiatur querens & ſi querens verificare poterit quod ipſum non acquietavit ſatisfaciet de dampnis & per judicium tenens recedat quietus de ſuo medio & attornetur capitali domino. Et ſi ad primam diſtrictionem non venerit exeat breve de alia diſtrictione & fiat proclamatio Et poſtquam teſtificata fuerit procedatur ad judicium ſicut ſuperius dictum eſt. Et ſciendum quod per hoc ſtatutum non excluduntur tenentes quin habeant warrantiam ſi de tenementis ſuis implacitentur ſuper medios ſuos & eorum heredes ſicut prius habuerunt. Nec etiam excluduntur tenentes quin ſequi poſſint verſus medios ſuos ſecundum conſuetudinem prius uſitatam ſi viderint quod proceſſus eorum plus valeat per antiquam conſuetudinem quam per iſtud ſtatutum. Et ſciendum quod per iſtud ſtatutum non providetur remedium quibuſcumque mediis ſet ſolummodo in caſu cum ſit unus medius tantum inter dominum diſtringentem & tenentem Et in caſu quando medius ille eſt plene etatis & in caſu quando tenens ſine prejudicio alterius quam medii attornare ſe poteſt capitali domino quod dictum eſt pro mulieribus tenentibus in dotem tenentibus per Legem Anglie vel aliter ad terminum vite vel per feodum talliatum quibus pro aliquibus caſibus nondum eſt remedium proviſum ſet Deo dante alias providebitur.

'hath nothing, until the Proceſs come to the Great 'Diſtreſs and Proclamation; and ſo after Proclamation made in both Counties, the Mean ſhall be 'fore-judged of his Fee and Service. And where 'it happeneth ſometimes, that the Tenant in Demean 'is infeoffed to hold by leſs Service than the Mean 'ought to do unto the chief Lord, when after ſuch 'Proclamation the Tenant hath attorned to the chief 'Lord, and the Mean being excluded, the Tenant 'muſt of Neceſſity anſwer unto the chief Lord for all 'ſuch Services and Cuſtoms as the Mean was wont to 'do to him. And after that the Mean is come 'into the Court, and hath confeſſed that he ought to 'acquit his Tenant, or be compelled by Judgment to 'acquit, if after ſuch Confeſſion or Judgment it is 'complained that the Mean doth not acquit his Te-'nant, then ſhall iſſue a Writ Judicial, that the She-'riff ſhall diſtrain the Mean to acquit the Tenant, and 'to be at a certain Day before the Juſticers, for to 'ſhew why he hath not acquitted him before; and 'when they have proceeded unto the Great Diſtreſs, 'the Plaintiff ſhall be heard; And if the Plaintiff 'can prove that he hath not acquitted him, he ſhall 'yield Damages, and by Award of the Court the Te-'nant ſhall go quit from the Mean, and ſhall attorn 'unto the chief Lord. And if he come not at the 'firſt Diſtreſs, a Writ ſhall go forth to diſtrain him 'again, and Proclamation ſhall be made, and as ſoon 'as it is returned, they ſhall proceed in Judgment, 'as before is ſaid. And it is to be underſtanden, 'that by this Statute Tenants are not excluded, but 'they ſhall have a Warranty of the Means and their 'Heirs, if they be impleaded of their Lands, as they 'have had before; nor the Tenants ſhall be ex-'cluded, but that they may ſue againſt their Means, 'as they uſed heretofore, if they ſee that their Proceſs 'may be more available by the old Cuſtom, than by 'this Statute. And it is to wit, that by this 'Statute no Remedy is provided to any Means, but 'only in caſe where there is but one only Mean be-'tween the Lord that diſtraineth and the Tenant; 'and in caſe where that Mean is of full Age; 'and in caſe where the Tenant may attorn unto 'the chief Lord without Prejudice of any other than 'of the Mean, which if ſpoken for Women Tenants 'in Dower, and Tenants by the Courteſie, or other-'wiſe for Term of Life, or in Fee-tail, unto whom 'for certain Cauſes Remedy is not yet provided, but '(God willing) there ſhall be at another Time.'

The Tenant holding by leſs Service than the Mean doth. Fitz. Meſne, 1, 53. Fitz. Avowry, 146, 168.

Fitz. Meſne, 28, 29.

Damages in a Writ of Meſne, Fitz. Proceſs, 153. Fitz. Meſne, 20, 24, 38, 59, 68, 70.

The Tenants Warranty of the Meſne. Fitz. Meſne, 68. Fitz. Meſne, 25, 35, 79.

For which Means only this Statute is ordained.

Raſt. 433, &c.

CAP. X.

At what Time Writs ſhall be delivered for Suits depending before Juſtices in Eyre. Any Perſon may make a general Attorney.

CUM in itinere Juſtitiariorum proclamatum fuerit quod omnes qui brevia liberare voluerint ea liberent infra certum terminum poſt quem nullum breve recipiatur multi de hoc confidentes cum moram fecerint uſque ad predictum terminum & nullum breve ſuper eos fuerit liberatum de licentia Juſtitiariorum recedunt poſt quorum receſſum adverſarii ſui ipſorum abſentiam percipientes brevia ſua porrigunt in cera que aliquando per fraudem aliquando per vic' pro dono recipiuntur et alii qui ſecure credebant receſſiſſe tenementa ſua amittunt. Ut hujuſmodi fraudi ſubveniatur impoſterum ſtatuit Dominus Rex quod Juſtitiarii in itineribus ſuis ſta-

"WHereas in the Circuit of Juſtices it was proclaimed, That all ſuch as would deliver "Writs, ſhould deliver them within a certain Time, "after which no Writ ſhould be received; many truſting upon the ſame, and tarrying until the ſaid Time "and no Writ ſerved upon them, departed by Licence "of the ſaid Juſtices; after whoſe Departure their "Adverſaries, perceiving their Abſence, delivered their "Writs in Wax, which ſometimes by Fraud, and "ſometimes for Rewards, be received of the Sheriff, "and they, that thought to have departed quiet, loſe "their Lands." 'For the Remedy of ſuch Fraud 'from henceforth, the King hath ordained, That the 'Juſtices

2 Inſt. 376. Delivering of Writs for Suits depending before Juſtices in Eyre.

* 13 Ed. 2, Stat. 1. c. 4.

'Juſtices in their Circuits ſhall appoint a Time of fif-
'teen Days, or a Month, or a Time more or leſs (af-
'ter as the County ſhall happen to be more or leſs)
'within which Time it ſhall be openly proclaimed,
'that all ſuch as will deliver their Writs, ſhall deliver
'them before the ſame Time; and when the Time
'cometh, the Sheriff ſhall certifie the Chief Juſtice in
'Eyre how many Writs he hath, and what, and that no
'Writ be received after the ſame Time; and if it
'be received, the Proceſs iſſuing thereupon ſhall be of
'none Effect; but only that a Writ abated any Time
'during the Circuit may be amended; alſo Writs
'of Dower of Men that died within the Summons of
'the Circuit, Aſſiſes of *Darrain preſentment*, *Quare*
'*impedit*, of Churches vacant within the foreſaid Sum-
'mons, ſhall be received at any Time before the De-
'parture of the Juſtices; alſo Writs of *Novel diſ-*
'*ſeiſin*, at what Time ſoever the Diſſeiſin was done,

Any Perſon may make a general Attorney.

'ſhall be received *in the Circuit of Juſtices*. Our
'Lord the King of his ſpecial Grace granteth, That
'ſuch as have Land in divers Shires where the Juſtices
'make their Circuit, and that have Land in Shires
'where the Juſtices have no Circuit, that fear to be
'impleaded, and are impleaded of other Lands in
'Shires where they have no Circuit, as before the Ju-
'ſtices at *Weſtminſter*, or in the King's Bench, or be-
'fore Juſtices aſſigned to take Aſſiſes, or in any Coun-
'ty before Sheriffs, or in any Court Baron, may make
'a general Attorney to ſue for them in all Pleas in the
'Circuit of Juſtices moved or to be moved for them,
'or againſt them during the Circuit; which At-
'torney or Attorneys ſhall have full Power in all Pleas
'moved during the Circuit, until the Plea be deter-
'mined, or that his Maſter remove him; yet ſhall
'they not be excuſed thereby, but they ſhall be put in
'Juries and Aſſiſes before the ſame Juſtices.'

See farther concerning Power of making Attorney, 7 R. 2. c. 14. 15. H. 6. c. 7.

* *This ſeems to be a miſtaken Reference, there being no ſuch Year of the King.*

Ex Rot. in Turr. Lond.

tuant terminum quindecim dierum vel menſis minoris vel majoris termini ſecundum quod comitatus fuerit major vel minor infra quem terminum publice proclametur quod omnes qui brevia liberare voluerint ea liberent citra illum terminum & in adventu illius termini certificet vicecomes capitalem Juſtitiarium itineris quot brevia habent & que & quod ultra illum terminum nullum breve recipiatur quod ſi receptum fuerit proceſſus per illud factus pro nullo habeatur excepto quod breve caſſatum durante toto itinere relevari poterit brevia etiam de Dote de viris qui obierint infra ſummonitionem itineris aſſiſe Ultime preſentationis Quare impedit de eccleſiis vacantibus infra ſummonitionem predictam quocumque tempore ante receſſum juſtitiariorum brevia etiam Nove diſſeiſine quocumque tempore facta fuerit diſſeiſina recipiantur. In itineribus Juſtitiariorum concedit Dominus Rex de gratia ſpeciali quod illi qui tenementa habent in diverſis comitatibus in quibus Juſtic' itinerant vel de quibuſdam tenementis in comitatu in quo Juſticiarii itinerant timent implacitari & de aliis tenementis in comitatu in quo Juſtitiarii non itinerant implacitantur coram Juſtitiariis apud Weſtm' vel in Banco Domini Regis vel coram Juſtitiariis ad aſſiſas capiendas aſſignatis vel in aliquo comitatu coram vic' vel in aliqua curia Baronum facere poſſint attornatum generalem ad ſequendum pro eis in omnibus placitis in itinere Juſtitiariorum pro ipſis vel contra ipſos motis vel movendis durante itinere qui quidem attornatus vel attornati habeant poteſtatem in placitis motis in itinere quouſque placitum terminetur vel dominus ſuus ipſum amoverit nec per hoc excuſentur ſi fuerint in juratis vel aſſiſis coram eiſdem Juſtitiariis.

CAP. XI.

The Maſters Remedy againſt their Servants, and other Accomptants.

In what Caſes Auditors may commit Accomptants to Priſon.
Co. Lit. 295. a. 2 Inſt. 378. Fitz. Accompt, 96, 109. Fitz. Avowry, 220. Regiſt. 137. Raſt. 14, &c.

'CConcerning Servants, Bailiffs, Chamberlains, and
'all Manner of Receivers, which are bound to
'yield Accompt, it is agreed and ordained, That
'when the Maſters of ſuch Servants do aſſign Auditors
'to take their Accompt, and they be found in Arrear-
'ages upon the Accompt, all Things allowed which
'ought to be allowed, their Bodies ſhall be arreſted,
'and by the Teſtimony of the Auditors of the ſame
'Accompt, ſhall be ſent or delivered unto the next
'Gaol of the King's in thoſe Parts; and ſhall be
'received of the Sheriff or Gaoler, and impriſoned in
'Iron under ſafe Cuſtody, and ſhall remain in the
'ſame Priſon at their own Coſt, until they have ſatiſ-
'fied their Maſter fully of the Arrearages. Ne-

The Accomptant's Relief. Fitz. Accompt, 23, 26, 47, 74, 106. 52 H. 3. c. 23. 29 Ed. 3. f. 5.

'vertheleſs if any Perſon being ſo committed to Priſon,
'do complain, that the Auditors of his Accompt have
'grieved him unjuſtly, charging him with Receipts
'that he hath not received, or not allowing him Ex-
'pences, or reaſonable Diſburſements, and can find
'Friends that will undertake to bring him before the
'Barons of the Exchequer, he ſhall be delivered unto
'them; and the Sheriff (in whoſe Priſon he is
'kept) ſhall give Knowledge unto his Maſter, that he
'appear before the Barons of the Exchequer at a cer-
'tain Day, with the Rolls and Tallies by which he

DE ſervientibus ballivis camerariis & quibuſcumque receptoribus qui ad compotum reddendum tenentur concorditer eſt ſtatutum & ordinatum quod cum dominus hujuſmodi ſervientium dederit eis auditores compoti & contingat ipſos eſſe in arreragiis ſuper compotum ſuum areſtentur corpora ipſorum & per teſtimonium auditorum ejuſdem compoti mittantur & liberenter proxime gaole domini Regis in partibus illis & a vicecomite ſeu cuſtode ejuſdem gaole recipiantur & mancipentur carceri in ferris ſub bona cuſtodia & in illa priſona remaneant de ſuo proprio viventes quouſque dominis ſuis de arreragiis plenarie ſatisfecerint. Attamen ſi quis ſic gaole liberatus conqueratur quod auditores compoti ipſum injuſte gravaverunt onerando de receptis que non recepit vel non allocando expenſas aut liberationes rationabiles & inveniat amicos qui eum manucapere voluerint ad ducendum coram baronibus de ſcaccario liberetur eis & ſciat facias vicecomes in cujus priſona fuerit domino quod ſit coram Baronibus de Scaccario ad aliquem certum

Ex Rot. in Turr. Lond.

certum diem cum rotulis & talliis per quos compotum reddiderit & in preſentia Baronum vel auditorum quos aſſignare voluerint recitetur compotus & fiat partibus juſtitia ita quod ſi fuerit in arreragiis committatur gaole de Flete ut ſupradictum eſt. Et ſi diffugerint & gratis compotum reddere noluerint ſicut alibi in aliis ſtatutis continetur diſtringantur ad veniendum coram Juſtic' ad compotum ſuum reddendum ſi habeant per quod diſtringi poſſint. Et ſi ad curiam venerint dentur auditores compoti coram quibus ſi fuerint in arreragiis ſi ſtatim arreragia ſolvere non poſſint committantur gaole cuſtodiendi in forma predicta. Et ſi diffugerint & teſtatum fuerit per vicecomitem quod non ſunt inventi exigantur de comitatu in comitatum quoſque utlagentur & ſint hujuſmodi incarcerati irreplegiabiles. Et caveat ſibi vicecomes vel cuſtos ejuſdem gaole ſive ſit in libertate ſive non quod per commune breve quod dicitur Replegiar' vel alio modo ſine aſſenſu domini ipſum a priſona exire non permittat quod ſi fecerit & ſuper hoc convincatur reſpondeat domino de dampno per hujuſmodi ſervientem ſibi illato ſecundum quod per patriam verificare poterit & habeat ſuum recuperare per breve de Debito. Et ſi cuſtos gaole non habeat per quod juſticietur vel unde ſolvat reſpondeat ſuperior ſuus qui cuſtodiam hujuſmodi gaole ſibi commiſit per idem breve.

'made his Accompt; and in the Preſence of the Barons, or the Auditors that they ſhall aſſign him, the Accompt ſhall be rehearſed, and Juſtice ſhall be done to the Parties, ſo that if he be found in Arrearages, he ſhall be committed to the *Fleet*, as above is ſaid. And if he flee, and will not give Accompt willingly, as is contained elſewhere in other Statutes, he ſhall be diſtrained to come before the Juſtices to make his Account, if he have whereof to be diſtrained. And when he cometh to the Court, Auditors ſhall be aſſigned to take his Accompt, before whom if he be found in Arrearages, and cannot pay the Arrearages forthwith, he ſhall be committed to the Gaol to be kept in Manner aforeſaid. And if he flee, and it be returned to the Sheriff that he cannot be found, Exigents ſhall go againſt him from County to County, until he be outlawed, and ſuch Priſoner ſhall not be repleviſable. And let the Sheriff or Keeper of ſuch Gaol take Heed, if it be within a Franchiſe, or without, that he do not ſuffer him to go out of Priſon by the common Writ called *Replegiare*, or by other Means, without Aſſent of his Maſter; and if he do, and thereof be convict, he ſhall be anſwerable to his Maſter of the Damages done to him by ſuch his Servant, according as it may be found by the Country, and ſhall have his Recovery by Writ of Debt. And if the Keeper of the Gaol have not wherewith he may be juſtified, or not able to pay, his Superior that committed the Cuſtody of the Gaol unto him, ſhall be anſwerable by the ſame Writ.'

An Exigent againſt an Accomptant. 17 Ed. 3. f. 59.

Eſcape of an Accomptant. 1 R. 2. c. 12. 7 H. 4. c. 4. 2 Leon. 9. Fitz. Det. 172. Fitz. iſſu. 160. Bro. Det. 103. 2 Bulſt. 321.

CAP. XII.

The Appellant being acquitted, the Appellor and Abetters ſhall be puniſhed. There ſhall be no Eſſoin for the Appellor.

QUIA multi per malitiam volentes alios gravare procurant falſa appella fieri de homicidio & aliis feloniis per appellatores nichil habentes unde domino Regi pro falſo appello nec appellatis de dampnis reſpondere poſſunt ſtatutum eſt quod cum aliquis ſic appellatus de felonia ſibi impoſita ſe acquitaverit in curia Regis modo debito vel ad ſectam appellatoris vel domini Regis Juſtitiarii coram quibus auditum erit hujuſmodi appellum & terminatum puniant appellatorem per priſonam unius anni & nichilominus reſtituat hujuſmodi appellatores appellatis dampna ſecundum diſcretionem Juſtitiariorum habito reſpectu ad priſonam vel arreſtationem quam occaſione hujuſmodi appellorum ſuſtinuerunt appellati & ad infamiam quam per impriſonamentum vel alio modo incurrerunt & nichilominus verſus dominum Regem gravius redimantur. Et ſi forte hujuſmodi appellatores non habeant unde predicta dampna reſtituere poſſint inquiratur per quorum abettum formatum fuerit hujuſmodi appellum per malitiam ſi appellatus hoc petat & ſi inveniatur per illam inquiſitionem quod aliquis ſit abettatur per malitiam per breve de Judicio ad ſectam appellati diſtringatur ad veniendum coram Juſtic' & ſi legitimo modo convictus fuerit de hujuſmodi abetto per malitiam puniatur per priſonam & ad reſtitutionem dampnorum ſicut ſuperius dictum eſt de appellatore. Nec jaceat decetero appellatori in appello de morte hominis eſſonium in quacumque curia appellum ſuerit terminandum.

"FOraſmuch as many, through Malice intending to grieve others, do procure falſe Appeals to be made of Homicides and other Felonies by Appellors, having nothing to ſatisfy the King for their falſe Appeal, nor to the Parties appealed for their Damages;" 'it is ordained, That when any, being appealed of Felony ſurmiſed upon him, doth acquit himſelf in the King's Court in due Manner, either at the Suit of the Appellor, or of our Lord the King, the Juſtices before whom the Appeal ſhall be heard and determined, ſhall puniſh the Appellor by a Year's Impriſonment, and the Appellors ſhall nevertheleſs reſtore to the Parties appealed their Damages, according to the Diſcretion of the Juſtices, having Reſpect to the Impriſonment or Arreſtment that the Party appealed hath ſuſtained by reaſon of ſuch Appeals, and to the Infamy that they have incurred by the Impriſonment or otherwiſe, and ſhall nevertheleſs make a grievous Fine unto the King. And if peradventure ſuch Appellor be not able to recompenſe the Damages, it ſhall be inquired by whoſe Abetment or Malice the Appeal was commenced, if the Party appealed deſire it; and if it be found by the ſame Inqueſt, that any Man is Abettor through Malice, at the Suit of the Party appealed, he ſhall be diſtrained by a judicial Writ to come before the Juſtices; and if he be lawfully convict of ſuch malicious Abetment, he ſhall be puniſhed by Impriſonment and Reſtitution of Damages, as before is ſaid of the Appellor. And from henceforth in Appeal of the Death of a Man there ſhall no Eſſoin lie for the Appellor, in whatſoever Court the Appeal ſhall hap to be determined.'

The Puniſhment of an Appellor for a falſe Appeal. 12 Co. 126. Hob. 98. Fitz. Damage, 77. Fitz. Coron. 18, 77, 98, 386. 11 Co. 77. *See* 1 Ed. 3. ſt. 1. c. 7. *which directs Inquiry to be made of Gaolers who compel Priſoners to appeal, and* 14 Ed. 3. *ſtat.* 1. *c.* 10. *which makes it Felony in ſuch Gaoler.* Regiſt. 56. Inquiry of Abettors. 12 Co. 125. Cro. El. 223, 71. 14 H. 7. 2. 26 H. 8. 3. Dyer, 120, 131. 8 H. 5. 6. 8 Ed. 4. 3. No Eſſoin for the Appellor. *See poſtea ch.* 17, 27, 28. *for Eſſoin.* Regiſt. 134. 2 Inſt. 383.

CAP. XIII.

The Order of the Indictments taken in the Sheriffs Turn.

2 Inſt. 387. See 3 Bur. 1860.

"FOraſmuch as Sheriffs, feigning many Times certain Perſons to be indicted before them in their "Turns of Felonies and other Treſpaſſes, do take "Men that are not culpable nor lawfully indicted, and "impriſon them, and do exact Money from them, "whereas they were not lawfully indicted by twelve "Jurors;" 'it is ordained, That Sheriffs in their 'Turns, and in other Places where they have Power 'to enquire of Treſpaſſors by the King's Precept, or 'by Office, ſhall cauſe their Inqueſts of ſuch Malefac- 'tors to be taken by lawful Men, and by Twelve at 'the leaſt, which ſhall put their Seals to ſuch Inquiſi- 'tions; and thoſe that ſhall be found culpable by 'ſuch Inqueſts, they ſhall take and impriſon, as they 'have uſed aforetimes to do. And if they do impri- 'ſon other than ſuch as have been indicted by ſuch In- 'queſt, the Parties impriſoned ſhall have their Action 'by a Writ of Impriſonment againſt the Sheriffs, as 'they ſhould have againſt any other Perſon that ſhould 'impriſon them without Warrant. And as it 'hath been ſaid of Sheriffs, ſo ſhall it be obſerved of 'every Bailiff of Franchiſe.'

Ex Rot. in Turr. Lond.

QUIA vicecomites fingentes multotiens coram eis aliquos in turnis ſuis indictatos de furtis & aliis malefactis capiunt homines non culpabiles nec legitimo modo indictatos & eos impriſonant & ab eis pecuniam extorquent cum legitimo modo per duodecim juratos non fuerunt indictati ſtatutum eſt quod vicecomites in turnis ſuis & alibi cum inquirere habeant de malefactoribus per preceptum Regis vel ex officio ſuo per legales homines ad minus duodecim faciant inquiſitiones ſuas de hujuſmodi malefactoribus qui inquiſitionibus ſuis ſigilla ſua apponant & illos quos per hujuſmodi inquiſitiones invenerint culpabiles capiant & impriſonent ſecundum quod alias fieri conſuevit. Et ſi alios impriſonaverint quam per hujuſmodi inquiſitiones invenerint indictatos habeant hujuſmodi impriſonati actionem ſuam per breve de Impriſonamento verſus vicecom' ſicut haberent verſus quamcumque aliam perſonam que eos impriſonaret ſine warranto. Et ſicut dictum eſt de vicecom' obſervetur de quolibet ballivo libertatis.

Enforced by 1 Ed. 3. ſtat. 2. c. 17.

And 1 Ed. 4. c. 2. *which directs Indictments taken in the Sheriffs Turn to be delivered to Juſtices of the Peace of the ſame County; and farther* 11 H. 7. c. 15.

CAP. XIV.

The Proceſs in an Action of Waſte. A Writ to enquire of Waſte.

2 Inſt. 389. Fitz. Waſte, 129, 130, 131, 134, 135, 136, 137.

"WHereas for Waſte done in the Inheritance of any Perſon, by Guardians, Tenants in "Dower, Tenants by the Courteſie of *England*, or "otherwiſe for Term of Life, or Years, a Writ of "Prohibition of Waſte hath been uſed to be granted, "by which Writs many were deceived, thinking that "ſuch as had done the Waſte ſhould not need to an- "ſwer but only for Waſte done after the Prohibition "to them directed;" 'our Lord the King, to 'remove from henceforth this Error, hath ordained, 'That of all Manner of Waſte done to the Damage 'of any Perſon, there ſhall from henceforth be no 'Writ of Prohibition awarded, but a Writ of Sum- 'mons, ſo that he of whom Complaint is ſhall an- 'ſwer for Waſte done at any Time; and if he 'come not after the Summons, he ſhall be attached, 'and after the Attachment he ſhall be diſtrained; 'and if he come not after the Diſtreſs, the She- 'riff ſhall be commanded that in proper Perſon 'he ſhall take with him twelve, *&c.* and ſhall go to 'the Place waſted, and ſhall enquire of the Waſte 'done, and ſhall return an Inqueſt, and after the In- 'queſt returned, they ſhall paſs unto Judgement, like 'as it is contained in the Statute of *Glouceſter*.'

The Proceſs in an Action of Waſte. Regiſt. 72, &c. 1 Brownl. 240. Dyer 204.

A Writ to enquire of Waſte. 3 Cro. 18. 3 *Ed.* 1. c. 21. 6 Ed. 1. ſtat. 1. c. 5. 26 Ed. 3. ſtat. 2. concerning Waſte.

Raſt. 697. *And ſee* 11 H. 6. c. 5. *where Waſte is maintainable againſt a Tenant who grants over his Eſtate and takes the Profits.*

CUM de vaſto facto in hereditate alicujus per cuſtodes tenentes in dotem per Legem Anglie vel aliter ad terminum vite conſueverit fieri breve de Prohibitione vaſti per quod breve multi fuerunt in errore credentes quod illi qui vaſtum fecerunt non habuerunt neceſſe reſpondere niſi tantum de vaſto facto poſt prohibitionem eis directam dominus Rex ut hujuſmodi error decetero tollatur ſtatuit quod de vaſto quocumque modo ad nocumentum alicujus facto non fiat decetero breve de Prohibitione ſet breve de Summonitione ita quod ille de quo queritur reſpondeat de vaſto facto quocumque tempore Et ſi poſt ſummonitionem non venerit attachietur & poſt attachiamentum diſtringatur Et poſt diſtrictionem ſi non venerit mandetur vicecomiti quod in propria perſona aſſumptis ſecum duodecim &c. accedat ad locum vaſtatum & inquirat de vaſto facto & retornet inquiſitionem & poſtquam retornata fuerit inquiſitio procedatur ad judicium ſecundum quod continetur in ſtatuto prius edito apud Weſtmon.'

CAP. XV.

An Infant eloined may ſue by *Prochein Amy*.

Enfant's Suit. Dyer 104. 2 Ed. 3. 16. Bro. Gardein, 13, 22, 24, 25, 26, 27. Regiſt. 78. 2 Inſt. 390. 3 Ed. 1. c. 47.

'IN every Caſe whereas ſuch as be within Age 'may ſue, it is ordained, That if ſuch within 'Age be eloined, ſo that they cannot ſue perſonal- 'ly, their next Friends ſhall be admitted to ſue for 'them.'

IN omni caſu quo minores infra etatem implacitari poſſunt conceſſum eſt quod ſi hujuſmodi minores elongati ſint quo minus perſonaliter ſequi poſſint propinquiores amici admittantur ad ſequendum pro eis.

CAP.

CAP. XVI.

Priority of Feoffment giveth Title of Wardſhip.

Ex Rot. in Turr. Lond.

IN caſu quo alicui minori deſcendatur hereditas ex parte patris qui tenuit de uno domino & ex parte matris que tenuit de alio domino dubitatio hucuſque exiterit de maritagio hujuſmodi minoris ad quem de duobus dominis pertineat concordatum eſt decetero quod ille dominus habeat maritagium de quo anteceſſor ſuus prius fuit feoffatus non habito reſpectu ad ſexum nec ad quantitatem tenementi ſet ſolummodo ad antiquius feoffamentum per ſervicium militare.

"IN Caſe where Inheritance deſcendeth to one within Age of the Father's Side, that held of one Lord, and the Mother's Side that held of another Lord, there hath been hitherto Doubt, for the Marriage of ſuch an Heir, to which of the two Lords it ſhould belong;" 'it is agreed, 'That the ſame Lord ſhall from henceforth have 'the Marriage of whom the Child's Anceſtor was 'firſt infeoffed, not having Reſpect to the Sex, nor 'to the Quantity of the Land, but only to the more 'ancient Feoffment by Knight's Service.'

44 Ed. 3. f. 15. Dyer 11. 5 Ed. 3. f. 4. Bro. Gard. 114, 115, 116. Fitz Prerog. 23, 24. Fitz. Gard. 2, 3, 16, 19, 27, 36, 46, 53, 81, 86, 115, 134, 139. 2 Inſt. 301. *Obſ. by* Stat. 12 Car. 2. c. 24.

CAP. XVII.

In what Caſe Eſſoin *De malo lecti* doth lie, and where not.

IN itinere Juſtitiariorum non admittatur decetero eſſonium de malo lecti de tenemento in eodem comitatu niſi ille qui ſe facit eſſoniari veraciter ſit infirmus quia ſi excipiatur a petente quod tenens non eſt infirmus nec in illo ſtatu quo venire non potuit coram juſtitiariis admittatur ejus calumpnia. Et ſi hoc per inquiſitionem convinci poterit vertatur illud eſſonium in defaltam. Nec jaceat de cetero illud eſſonium in brevi de Recto inter duos clamantes per unum deſcenſum.

'IN the Circuit of the Juſtices an Eſſoin *De malo lecti* ſhall not be from henceforth allowed for Lands in the ſame Shire, unleſs he that cauſed himſelf to be eſſoined be ſick indeed; for if the Demandant except, that the Tenant is not ſick, nor in ſuch Plight but that he may come before the Juſtices, his Exception ſhall be admitted. And if it can be ſo proved by Enqueſt, the Eſſoin ſhall be turned to a Default. And from henceforth ſuch Eſſoin ſhall not lie in a Writ of Right between two claiming by one Deſcent.'

Fitz. Eſſoin, 176, 186, 187, 188, 189, 190, 192, 193, 194, 196, 197. 52 *H.* 3. *c.* 13. & 20. 3 *Ed.* 1. *c.* 42, 43, & 44. 6 *Ed.* 1. *c.* 10. Regiſt. 8.

See for farther Regulations, Index, tit. Eſſoin.

CAP. XVIII.

He that recovereth Debt may ſue Execution by *Fieri facias* or *Elegit*.

CUM debitum fuerit recuperatum vel in curia Regis recognitum vel dampna adjudicata ſit decetero in electione illius qui ſequitur pro hujuſmodi debito aut dampnis ſequi breve quod vicecomes fieri faciat de terris & catallis vel quod vicecomes liberet ei omnia catalla debitoris exceptis bobus & affris caruce & medietatem terre ſue quouſque debitum fuerit levatum per rationabile pretium vel extentam. Et ſi ejiciatur de illo tenemento habeat recuperare per breve Nove diſſeiſine & poſtea per breve Reddiſſeiſine ſi neceſſe fuerit.

'WHEN Debt is recovered or knowledged in the King's Court, or Damages awarded, it ſhall be from henceforth in the Election of him that ſueth for ſuch Debt or Damages, to have a Writ of *Fieri facias* unto the Sheriff for to levy the Debt of the Lands and Goods; or that the Sheriff ſhall deliver to him all the Chattels of the Debtor (ſaving only his Oxen and Beaſts of his Plough) and the one half of his Land, until the Debt be levied upon a reaſonable Price or Extent. And if he be put out of that Tenement, he ſhall recover by a Writ of *Novel diſſeiſin*, and after by a Writ of *Rediſſeiſin*, if need be.'

Hob. 57. The Execution of a Debt recovered. 3 Bulſtr. 320. Dyer 306, 373. 3 Co. 12. 4 Co. 65, 74. 5 Co. 87, 88, 90. Fitz. Extent, 13. Fitz. Proceſs, 51. Fitz. Execut. 35, 37, 41, 46, 66, 85, &c. Co. Lit. 289. b. Aſſiſe maintainable by Tenant by Elegit. Raſt. 72, 327. Regiſt. 299. 2 Inſt. 394. Cro. Car. 44. 2 Leon. 84, 88.

CAP. XIX.

The Ordinary chargeable to pay Debts as Executors.

CUM poſt Mortem alicujus decedentis inteſtati & obligati aliquibus in debito bona deveniant ad ordinarios diſponenda obligetur decetero ordinarius ad reſpondendum de debitis quatenus bona defuncti ſufficiunt eodem modo quo executores hujuſmodi reſpondere tenerentur ſi teſtamentum feciſſet.

'WHereas after the Death of a Perſon dying inteſtate, which is bounden to ſome other for Debt, the Goods come to the Ordinary to be diſpoſed; the Ordinary from henceforth ſhall be bound to anſwer the Debts as far forth as the Goods of the Dead will extend, in ſuch ſort as the Executors of the ſame Party ſhould have been bounden, if he had made a Teſtament.'

Dyer 232. 5 Co. 83 Fitz. Brief, 822. Fitz. Execut. 77. 2 Inſt. 397.

By 31 *Ed.* 3. *ſtat.* 1. *c.* 11. *the Ordinary ſhall commit Adminiſtration. And for the Duty of Ordinary and Adminiſtrator, ſee Index, tit.* Adminiſtration *and* Adminiſtrators.

CAP.

CAP. XX.

The Tenant's Anſwer in a Writ of *Coſinage*, *Aiel*, and *Beſaiel*.

"WHereas that Juſtices in a Plea of *Mortdaunceſtor*, have uſed to admit the Anſwer of the Tenant, that the Plaintiff is not next Heir of the ſame Anceſtor, by whoſe Death he demanded the Land, and is ready to enquire the ſame by Aſſiſe;" 'it is agreed, That in Writs of *Coſinage*, *Aiel*, and *Beſaiel*, which be of the ſame Nature, his Anſwer 'ſhall be admitted and enquired, and according to the 'ſame Inquiſition they ſhall proceed to Judgement.'

Ex Rot. in Turr. Lond.

CUM Juſtitiarii in placito Mortis anteceſſoris admittere conſueverint reſponſionem tenentis quod petens non eſt propinquior heres anteceſſoris de cujus morte tenementum petitur & hoc paratus eſt per aſſiſam inquirere concordatum eſt quod in brevibus de Conſanguinitate Avo & Proavo que ſunt ejuſdem nature admittatur illa reſponſio & inquiratur & ſecundum illam inquiſitionem ad judicium procedatur.

CAP. XXI.

A *Ceſſavit* by the chief Lord againſt his Freehold Tenant.

6 Ed. 1. ſtat. 1. c. 4.

"WHereas in a Statute made at *Glouceſter*, *cap.* 4. it is contained, That if any leaſe his Land "to another to pay the Value of the fourth Part of "the Land or more, the Leſſor, or his Heir, after "the Payment hath ceaſed by two Years, ſhall have "an Action to demand the Land ſo leaſed in demean." 'In like manner it is agreed, that if any with-hold 'from his Lord his due and accuſtomed Service by two 'Years, the Lord ſhall have an Action to demand the 'Land in demean by ſuch a Writ:' Præcipe A. quod juſte &c. reddat B. tale tenementum quod A. de eo tenuit per tale ſervitium, & quod ad prædictum B. reverti debet, eo quod predictus A. in faciendo prædictum ſervitium, per biennium ceſſavit, ut dicitur.

Fitz. Brief, 249, 269. 6 H. 7. f. 7. Fitz. Ceſſavit, 1, 2, 3, 4, 7, 8, 17, 21, 22, 30, 32, 33, 34, 35, 45, 46, 50, 51, 54.

8 Co. 118. Fitz. Ceſſavit, 42. Co. Lit. 154. 6 Ed. 1. ſtat. 1. & 2. Regiſt. 237.

'II. And not only in this Caſe, but alſo in the Caſe 'whereof Mention is made in the ſaid Statute of *Glou-* '*ceſter*, Writs of Entry ſhall be made for the Heir of 'the Demandant againſt the Heir of the Tenant, and 'againſt them to whom ſuch Land ſhall be aliened.'

CUM in ſtatuto edito apud Glouc' contineatur quod ſi quis dimiſerit terram alicui ad reddendum valorem quarte partis tenementi vel majoris habeat ille qui dimiſit vel ejus heres poſtquam fuerit a ſolutione ceſſatum per biennium actionem petendi tenementum ſic dimiſſum in dominico. Eodem modo concordatum eſt quod ſi quis detineat domino ſuo ſervicium debitum vel conſuetud' per biennium habeat dominus actionem petendi tenementum in dominico per tale breve: *Precipe A. quod juſte, &c. reddat B. tale tenementum quod C. de eo tenuit per tale ſervicium & quod ad predictum B. reverti debet eo quod predictus A. in faciendo ſervicium predictum per biennium ceſſavit ut dicit.*

Et non ſolum in iſto caſu ſet in caſu de quo fit mentio in predicto ſtatuto Glouc' fiant brevia de Ingreſſu heredi petenti ſuper heredem tenentis & ſuper eos quibus alienatum fuerit hujuſmodi tenementum.

CAP. XXII.

Waſte maintainable by one Tenant in common againſt another.

21 Ed. 3. f. 29. Fitz. Waſte, 25, 96. 2 Inſt. 403. Co. Lit. 200. 52 *H.* 3. *c.* 23. 6 *Ed.* 1. *c.* 5.

'WHereas two or more do hold Wood, Turf-'land, or Fiſhing, or other ſuch Things in 'common, wherein none knoweth his ſeveral, and 'ſome of them do Waſte againſt the Minds of the 'other, an Action may lie by a Writ of Waſte; 'and when it is come unto Judgement, the Defen-'dant ſhall chooſe either to take his Part in a Place 'certain, by the Sheriff, and by the View, Oath, and 'Aſſignment of his Neighbours ſworn and tried for 'the ſame Intent, or elſe he ſhall grant to take no-'thing from henceforth in the ſame Wood, Turf-'land, and ſuch other, but as his Partners will take. 'And if he do chooſe to take his Part in a Place 'certain, the Part waſted ſhall be aſſigned for his Part, 'as it was before he committed the Waſte. And 'there is ſuch a Writ in this Caſe, that is to ſay,' Cum A. & B. tenent boſcum pro indiviſo, B. fecit vaſtum, &c.

CUM duo vel plures teneant boſcum turbariam piſcariam vel alia hujuſmodi in communi abſque hoc quod aliquis ſciat ſuum ſeperale & aliquis eorum faciat vaſtum contra voluntatem alterius moveatur actio per breve de Vaſto & habeat defendens cum ad judicium venerit electionem capiendi partem ſuam in certo loco per vicecomitem & viſum & ſacramentum & aſſignationem vicinorum ad hoc electorum & juratorum vel quod concedat quod nichil capiet decetero in hujuſmodi boſco turbaria & aliis niſi ſecundum quod participes ſui capere voluerint. Et ſi eligat capere partem ſuam in certo loco aſſignetur ei in ſua parte locus vaſtatus ſecundum quod fuit antequam vaſtum fecit. Breve in hoc caſu: *Cum A. & B. teneant boſcum pro indiviſo B. fecit vaſtum, &c.*

Regiſt. 76.

See 20 *Ed.* 1. *ſtat.* 2. *concerning Waſte; and* 11 *H.* 6. *c.* 5. *where Waſte is maintainable againſt a Tenant who grants over his Eſtate, and takes the Profits.*

CAP.

CAP. XXIII.

Executors may have a Writ of Accompt.

Ex Rot. in Turr. Lond.

HAbeant decetero executores breve de Compoto reddendo & eandem actionem & proceſſum per illud breve qualem habuit mortuus & haberet ſi vixiſſet.

'EXecutors from henceforth ſhall have a Writ of Accompt, and the ſame Action and Proceſs in the ſame Writ as the Teſtator might have had if he had lived.' 2 Inſt. 404. Fitz. Executors, 97. 4 Ed. 3. c. 7. *which gives Executors an Action of Treſpaſs for Wrong done to Teſtator. And* 25 Ed. 3. ſtat. 5. c. 5. *extends it to Executors of Executors.*

CAP. XXIV.

A Writ of Nuſance of a Houſe, &c. levied and aliened to another. A *Quod permittat* and *Juris utrum* for a Parſon of a Church. In like Caſes like Writs be grantable.

IN caſibus quibus conceditur breve in Cancellaria de facto alicujus de cetero non recedant querentes a curia Regis ſine remedio pro eo quod tenementum transfertur de uno in alium & in regiſtro de Cancellaria non eſt inventum aliquod breve in illo caſu ſpeciale ſicuti de domo muro mercato conceditur breve ſuper eum qui levavit. Et ſi tranſferatur domus murus & hiis conſimilia in aliam perſonam breve denegatur ſet decetero cum in uno caſu conceditur breve & in conſimili caſu ſimili remedio indigente ſicut prius fit breve:

Queſtus eſt nobis A. quod B. injuſte, &c. levavit domum murum mercatum & alia que ſunt ad nocumentum.

Si hujuſmodi levata transferantur in aliam perſonam decetero fiat breve ſic:

Queſtus eſt nobis A. quod B. & C. levaverunt, &c.

Eodem modo ſicut perſona alicujus eccleſie recuperare poteſt communiam paſture per breve Nove diſſeiſine eodem modo decetero recuperet ſucceſſor ſuper diſſeiſitorem vel ejus heredem per breve Quod permittat licet hujuſmodi breve prius a Cancellaria non fuit conceſſum. Eodem modo ſicut conceditur breve utrum aliquod tenementum ſit libera elemoſina alicujus eccleſie vel laicum feodum talis decetero fiat breve utrum ſit libera elemoſina talis eccleſie vel alterius eccleſie in caſu quo libera elemoſina uniuseccleſie transfertur in poſſeſſionem alterius eccleſie. Et quotienſcumque decetero evenerit in Cancellaria quod in uno caſu reperitur breve & in conſimili caſu cadente ſub eodem jure & ſimili indigente remedio concordent clerici de Cancellaria in brevi faciendo vel a:terminent querentes in proximo parliamento & ſcribant caſus in quibus concordare non poſſunt & referant eos ad proximum parliamentum & de conſenſu juriſperitorum fiat breve ne contingat decetero quod curia diu deficiat querentibus in juſtitia perquirenda.

'IN Caſes whereas a Writ is granted out of the Chancery for the Fact of another, the Plaintiffs from henceforth ſhall not depart from the King's Court without Remedy, becauſe the Land is tranſferred from one to another. And in the Regiſter of the Chancery there is no ſpecial Writ found in this Caſe, as of a Houſe, a Wall, a Market, but the Writ is granted againſt him that levied the Nuſance. And if the Houſe, Wall, or ſuch like be aliened to another, the Writ ſhall not be denied; but from henceforth, where in one Caſe a Writ is granted, in like Caſe, requiring like Remedy, the Writ ſhall be made as hath been uſed before:

A Writ of Nuſance. Raſt. 405. 2 Inſt. 404. Raſt. 441. 6 R. 2. *ſtat.* 1. c. 3. *in which Courts Writs of Nuſance called Vicontiels ſhall be purſued.* 9 Co. 55.

Queſtus eſt nobis A. quod B. injuſte, &c. levavit domum murum mercatum, & alia quæ ſunt ad nocumentum, &c.

'And if ſuch Things levied be aliened from one to another, the Writ ſhall be thus:'

Queſtus eſt nobis A. quod B. & C. levaverunt, &c.

'II. In like manner as a Parſon of a Church may recover Common of Paſture by Writ of *Novel diſſeiſin*, likewiſe from henceforth his Succeſſor ſhall have a *Quod permittat* againſt the Diſſeiſor or his Heir, though a like Writ were never granted out of the Chancery before. And in like manner as a Writ is granted to try whether Land be the free Alms of ſuch a Church, or the Lay Fee of ſuch a Man, even ſo from henceforth a Writ ſhall be made to try whether it be the free Alms of this Church, or of another Church, in Caſe where the free Alms of one Church is transferred to the Poſſeſſion of another Church. And whenſoever from henceforth it ſhall fortune in the Chancery, that in one Caſe a Writ is found, and in like Caſe falling under like Law, and requiring like Remedy, is found none, the Clerks of the Chancery ſhall agree in making the Writ; or adjourn the Plaintiffs until the next Parliament, and let the Caſes be written in which they cannot agree, and let them refer th m-ſelves until the next Parliament, by Conſent of Men learned in the Law, a Writ ſhall be made, leſt it might happen after that the Court ſhould long time fail to miniſter Juſtice unto Complainants.'

Quod permittat. Raſt. 538. Regiſt. 32. Raſt. 419. Coke pla. 399. 14 Ed. 3. c. 17. *gives Juris utrum to Parſon or Vicar.* Raſt. 123. Fitz. Entry, 3, 7, 8, 10, 61, 64, 67, 68, 69, 74. Co. Lit. 54. b.

CAP. XXV.

Of what Things an Aſſiſe ſhall lie. Certificate of Aſſiſe. Attachment in an Aſſiſe.

QUIA non eſt aliquod breve in cancellaria per quod querentes habent tam feſtinum remedium ſicut per breve Nove diſſeiſine dominus Rex

"FOraſmuch as there is no Writ in the Chancery whereby Plaintiffs can have ſo ſpeedy Remedy, as by a Writ of *Novel diſſeiſin*;" 'our Lord the King,

Of what Things an Aſſiſe of Nov. vel diſſeiſin will lie.

Regiſt. 196, &c. 2 Inſt. 408. 8 Co. 45. Fitz. Aſſ. 138. Fitz. Avowry, 142.

‘ King, willing that Juſtice may be ſpeedily miniſtred ‘ and that Delays in Pleas may be taken away or ‘ abridged, granteth that a Writ of *Novel diſſeiſin* ſhall ‘ hold Place in more Caſes than it hath done hereto- ‘ fore; and granteth that for Eſtovers of Wood, ‘ Profit to be taken in Woods by gathering of Nuts, ‘ Acorns, and other Fruits, for a Corody, for Delivery ‘ of Corn and other Victuals and Neceſſaries to be ‘ received yearly (in a Place certain) Toll, Tronnage, ‘ Paſſage, Pontage, * *Pawnage*, and ſuch like, to be ‘ taken in Places certain, keeping of Parks, Woods, ‘ Foreſts, Chaſes, Warrens, Gates, and other Baili- ‘ wicks, and Offices in Fee, from henceforth an Aſſiſe ‘ of *Novel diſſeiſin* ſhall lie. And in all Caſes ‘ afore rehearſed, according to the cuſtomed Manner, ‘ the Writ ſhall be *De libero tenemento*; and as be- ‘ fore times it hath lien and holden Place in Common ‘ of Paſture, ſo ſhall it from henceforth hold Place in ‘ Common of Turf-land, Fiſhing, and ſuch like Com- ‘ mons, which any Man hath appendant to Freehold, ‘ or without Freehold by ſpecial Deed, at the leaſt for ‘ Term of Life. In caſe alſo when any holding ‘ for Term of Years, or in Ward, alieneth the ſame ‘ in Fee, and by ſuch Alienation the Freehold is tranſ- ‘ ferred to the Feoffee, the Remedy ſhall be by a Writ ‘ of *Novel diſſeiſin*, and as well the Feoffor as the ‘ Feoffee ſhall be had for Diſſeiſors, ſo that during the ‘ Life of any of them the ſaid Writ ſhall hold Place; ‘ and if by the Death of the Parties Remedy hap- ‘ pen to fail by that Writ, then Remedy ſhall be ob- ‘ tained by a Writ of Entry. And albeit that ‘ above Mention is made of ſome Caſes wherein a ‘ Writ of *Novel diſſeiſin* held no Place before, let no ‘ Man think therefore that this Writ lieth not now ‘ where it hath lien before. And though ſome ‘ have doubted whether a Remedy be had by this Writ ‘ in caſe where one feedeth in the Several of another, ‘ let it be had for certain, that a good and a ſure Re- ‘ medy is given in that Caſe by the ſaid Writ. ‘ And let them which be named Diſſeiſors beware from ‘ henceforth that they alledge not falſe Exceptions, ‘ whereby the taking of the Aſſiſe may be deferred, ‘ ſaying, that another Time an Aſſiſe of the ſame ‘ Land paſſed between the ſame Parties, or ſaying, ‘ and falſly, that a Writ of more high Nature hangeth ‘ between the ſame Parties for the ſame Land, and ‘ upon theſe and like Matters do vouch Rolls or Re- ‘ cords to Warranty, to the end that by the ſame ‘ vouching they may take away the Veſture, and re- ‘ ceive the Rents and other Profits, to the great Damage ‘ of the Plaintiff. And where before none other ‘ Pain was limited againſt him that falſly had alledged ‘ ſuch untrue Exceptions, but only that after ſuch falſe ‘ Surmiſes diſproved the Aſſiſe ſhould paſs; our ‘ Lord the King, to whom ſuch falſe Exceptions be ‘ odious, hath ordained, That if any being named Diſ- ‘ ſeiſor do perſonally alledge the Exception at the Day ‘ to him given (if he fail of the Warranty that he hath ‘ vouched) he ſhall be adjudged for a Diſſeiſor without ‘ taking of the Aſſiſe, and ſhall reſtore the Damages ‘ before inquired of, or to be inquired after, to the ‘ Double, and ſhall nevertheleſs have a Year's Im- ‘ priſonment for his Falſhood. And if that Ex- ‘ ception be alledged by a Bailiff, the taking of the ‘ Aſſiſe ſhall not be delayed therefore, nor the Judge- ‘ ment upon the Reſtitution of the Lands and Da- ‘ mages. Yet nevertheleſs, that if the Maſter of ‘ ſuch a Bailiff that was abſent, come after before the

* *Not in the Original.*

Raſt. 58, &c. Co. pla. 60. Aſſiſes of Common. Regiſt. 197. Fitz. Aſſ. 61, 94, 111, 134, 167, 210, 316, 330, 439, 452. Fitz. Aſſ. 395. Fitz. Brief, 790. Bro. Elegit, 20. Bro. Diſſeiſin, 86, 105. Raſt. 67.

Leſſee for Years, or Guardian aliens in Fee.

Aſſiſe where one doth feed in another's Several. 11 H. 4. 84.

Hob. 95.

The Penalty for failing of an Exception pleaded. 11 H. 4. f. 49. 22 Ed. 3. f. 4. 30 Ed 3. f. 12. Fitz. Record, 32. Bro. Covert, 35. 2 Roll. 91. Keilw. 132, 132.

Pleading of an Exception by Bailiff.

In what Caſe a Certificate of Aſſiſe doth lie.

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voluntatem habens ut celeris fiat juſtitia & dila- tiones in placitis motis amputentur vel abbrevien- tur concedit quod breve Nove diſſeiſine locum ha- beat in pluribus caſibus quam prius habuit & con- cedit quod de eſtoveriis boſci proficuo capiendo in boſco de nucibus & glande & aliis fructibus colli- gendis de corrodio liberatione bladi aut aliorum victualium aut neceſſariorum in certo loco annua- tim recipiendorum tolneto tronagio paſſagio ponta- gio & hiis ſimilibus in certis locis capiendis cuſto- diis parcorum boſcorum foreſtarum chacearum warrenarum portarum & aliis ballivis & officiis in feodo jaceat decetero aſſiſa Nove diſſeiſine. Et in omnibus ſupradictis modo conſueto fiat breve de Libero tenemento & ſicut prius jacuit & locum ha- buit in communia paſture ita decetero locum ha- beat in communia turbarie piſcarie & aliis com- muniis hiis ſimilibus quas quis habet pertinentes ad liberum tenementum vel etiam ſine tenemento per ſpeciale factum ad minus ad terminum vite. In caſu etiam quando quis tenens tenementum ad terminum annorum vel in cuſtodia illud alienat in feodem & per illam alienationem transfert liberum tenementum in feoffatum fiat remedium per breve Nove diſſeiſine & habeanter pro diſſeiſitoribus tam ille qui feoffat quam feoffatus ita quod vivente al- tero eorum locum habeat predictum breve Et ſi per mortem Perſonarum ceſſet remedium per pre- dictum breve fiat remedium per breve de Ingreſſu. Et quamvis ſuperius fiat mentio de aliquibus caſi- bus de quibus locum non habuit prius breve Nove deſſeiſine non propter hoc credat aliquis illud breve non competere ubi prius competebat. Et licet du- bitaverint quidam utrum in caſu quo quis paſcit alterius ſeparale fieri poterit remedium per pre- dictum breve teneatur pro certo quod in caſu illo per predictum breve bonum & certum eſt remedi- um. Et caveant decetero qui nominati ſint diſſei- ſitores quod non proponant falſas exceptiones per quas captio aſſiſe defferatur dicendo quod aſſiſa alias tranſivit inter eaſdem partes de eodem tene- mento vel dicendo & mentiendo quod breve de al- tiori natura pendet inter eaſdem partes de eodem tenemento & ſuper hiis & conſimilibus vocent ro- tulos vel recordum ad warrantum ut per illam vo- cationem aſportare poſſint veſturam levare redditus & alia proficua ad magnum detrimentum querен- tis. Et quia licet prius aliam penam non habuit qui hujuſmodi falſas exceptiones mendaciter pro- poſuit niſi tantum quod poſt mendacium ſuum convictum proceſſum fuit ad captionem aſſiſe Do- minus Rex cui odioſe ſunt hujuſmodi falſe excep- tiones ſtatuit quod ſi quis diſſeiſitor nominatus per- ſonaliter proponat illam exceptionem ad diem ſibi datum ſi defecerit de warranto quod vocavit habea- tur pro diſſeiſitore abſque recognitione aſſiſe & reſti- tuat dampna prius inquiſita vel poſt inquirenda in duplo & nichilominus pro falſitate ſua puniatur per priſonam unius anni. Et ſi illa exceptio pro- ponatur per ballivum non propter hoc differatur captio aſſiſe & judicium ſuper reſtitutionem tene- menti & dampnorum ita tamen quod ſi dominus illius ballivi qui abſens fuerit poſtmodum veniat coram

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coram Juſtitiariis qui aſſiſam ceperint & offerat verificare per recordum vel per rotulos quod aſſiſa alias tranſivit de eodem tenemento inter eaſdem partes vel quod querens alias ſe retraxerit de conſimili brevi vel placitum pendeat per breve de altiori natura fiat ei breve de Faciendo venire ſuper hoc recordum & cum illud habuerit ſi videat Juſtitiarius quod recordum ita ei miſſum valeret ante judicium quod per illud excluderetur querens ab actione ſua ſtatim faciat Juſtitiarius ſcire parti que prius recuperavit quod ſit ad certum diem ad quem rehabeat defendens ſeiſinam ſuam & dampna ſi que prius ſolvit per primum judicium ſimul cum dampnis que habuit poſt primum judicium redditum que ei reſtituantur in duplo ut ſupradictum eſt & nichilominus puniatur ille qui primo recuperavit per priſonam ſecundum diſcretionem Juſtic'. Eodem modo ſi defendens contra quem tranſivit aſſiſa in ſua abſentia oſtendat cartas vel quietas clamantias ſuper quarum confectione non fuerunt juratores examinati nec examinari poterunt pro eo quod de eis non fiebat mentio in placitando & probabiliter ignorare poterunt confectiones hujuſmodi ſcriptorum Juſtitiarii viſis ſcriptis illis faciant ſcire parti que prius recuperavit quod ſit ad certum diem & venire faciant jurat' illius aſſiſe & ſi per veredictum jurat' vel forte per irrotulamentum ſcripta illa verificaverit puniatur ille qui aſſiſam impetravit contra factum ſuum per penam ſupradictam. Et non capiat decetero vicecomes bovem a diſſeiſito ſet a diſſeiſitore tantum & ſi plures ſint diſſeiſitores in uno brevi nominati nichilominus de uno bove ſit contentus nec exigat bovem niſi de precio quinque ſolidorum & quatuor denar' vel precium.

'ſame Juſtices that took the Aſſiſe, and offer to prove by Record or Rolls, that another Time an Aſſiſe paſſed between the ſame Parties of the ſame Land, or that the Plaintiff at another Time did withdraw his Suit in a like Writ, or that a Plea hangeth by a Writ of more high Nature, a Writ of *Venire facias* ſhall be granted unto him to cauſe the ſame Record to be brought; and when he hath the ſame, and the Juſtices do perceive, that the Record ſo ſhewed by him would have been ſo available before the Judgement, that the Plaintiff by Force of the ſame ſhould have been barred of his Action, the Juſtices ſhall preſently cauſe the Party to be warned that firſt recovered, that he appear at a certain Day, at the which the Defendant ſhall have again his Seiſin and Damages (if he before paid any by the firſt Judgement given) together with the Damages he had, after the firſt Judgment given, which ſhall be reſtored him to the Double, as before is ſaid; and alſo he that firſt recovered ſhall be puniſhed by Impriſonment according to the Diſcretion of the Juſtices. In the ſame Manner if the Defendant, againſt whom the Aſſiſe paſſed in his Abſence, ſhew any Deeds or Releaſes, upon the making whereof the Jury were not examined, nor could be examined, becauſe there was no Mention made of them in pleading, and by Probability might be ignorant of the making of thoſe Writings; the Juſtices upon the Sight of thoſe Writings ſhall cauſe the Party to be warned that recovered, that he appear at a certain Day, and ſhall cauſe the Jurors of the ſame Aſſiſe to come; and if he ſhall verify thoſe Writings to be true by the Verdict of the Jurors, or by Inrollment, he that purchaſed the Aſſiſe contrary to his own Deed, ſhall be puniſhed by the Pain aforeſaid. And the Sheriff from henceforth ſhall not take an Ox of the Diſſeiſee, but of the Diſſeiſor only; and if there be many Diſſeiſors named in one Writ, yet ſhall he be contented with one Ox; nor ſhall receive any Ox but of v *s.* and four Pence Price, or the Value.'

Fitz. Aſſ. 5. 123. Fitz. Certificate, 2, 3, 4, 7, 8, 10. F. N. B. 181, &c. Raſt. 110. Regiſt. 200. 17 Ed. 3. f. 28. 12 H. 4. f. 9. 7 H. 4. f. 45. Fitz. Aſſ. 412.

See farther Index, tit. Aſſiſe.

CAP. XXVI.

Who may bring a Writ of Rediſſeiſin, and the Puniſhment of the Offender therein.

IN brevibus de Reddiſſeiſina adjudicentur decetero dampna in duplo & ſint reddiſſeiſitores decetero irreplegiabiles per commune breve. Et ſicut in ſtatuto de Merton proviſum fuit illud breve de hiis qui diſſeiſiti fuerunt poſtquam recuperaverunt per aſſiſas Nove diſſeiſine Mortis anteceſſoris aut per alias juratas ulterius habeat decetero illud breve locum illis qui recuperaverunt per Defaltam Reddditionem vel alio modo ſine recognitione aſſiſarum vel juratarum.

'IN Writs of Rediſſeiſin from henceforth double Damages ſhall be awarded, and the Rediſſeiſors ſhall not be *repleviable* hereafter by the common Writ. And like as in the Statute of *Merton* the ſame Writ was provided for ſuch as were diſſeiſed after they had recovered by Aſſiſe of *Novel diſſeiſin*, of *Mortdaunceſtor*, or other Jurates; even ſo from henceforth the ſame Writ ſhall further hold Place for them that ſhall recover by Default, Reddition, or otherwiſe, without Recognition of Aſſiſes or Jurates.'

2 Inſt. 416. 15 H. 7. f. 8. Co. Lit. 154. 20 H. 3. c. 3. 52 H. 3. c. 8. Raſt. 548.

CAP. XXVII.

Eſſoin after Inqueſt, but none after Day given *Prece Partium*.

POſtquam aliquis poſuerit ſe in inquiſitionem ad proximum diem allocetur ei eſſonium ſet ad alios dies ſequentes per eſſonium non differatur captio inquiſitionis ſive prius habuit eſſonium ſive non nec admittatur eſſonium poſt diem datum prece partium in caſu quo partes venire conſentiunt ſine eſſonio.

'AFter any hath put himſelf to an Inqueſt, an Eſſoin ſhall be allowed him at the next Day; but all the other Days following, the taking of the Inqueſt ſhall not be delayed by the Eſſoin, whether he were eſſoined before or no; neither ſhall any Eſſoin be allowed after Day given *Prece Partium*, in caſe where the Parties conſent to come without Eſſoin.'

2 Inſt. 417. Fitz. Eſſoin, 15, 81, 83, 130, Dyer 224, 324. Bro. Parl. 5. Raſt. 297.

CAP. XXVIII.

In certain Actions, after Appearance there ſhall be no Eſſoin.

Fitz. Eſſoin, 65, 66, 68, 69, 78, 149. 2 Inſt. 418. Stat. Weſtm. 1. 3 *Ed.* 1. *c.* 42, 43, & 44. Raſt. 316. *See farther Index, tit.* Eſſoin.

" WHereas by the Statute of *Weſtminſter* the Firſt, " it was provided, That after the Tenants have " once appeared in the Court, no Eſſoin ſhall be al- " lowed them in Writs of Aſſiſes;" ' In like Man- " ner it ſhall be from henceforth obſerved againſt the " Demandants.'

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CUM per ſtatutum *Glouc'* ſtatuatur quod poſt- quam tenens ſemel comparuerit in curia non allocetur ei eſſonium in brevibus aſſiſarum eodem modo decetero obſervetur de petentibus.

CAP. XXIX.

To whom only the Writ of Treſpaſs of *Oyer* and *Terminer* ſhall be granted. In what Caſe the Writ of *Odio & Atia* is granted.

2 Inſt. 418. 4 Inſt. 182. *See* Stat. 2. Ed. 3. c. 2. *who ſhall be Juſtices of Aſſiſe, and Gaol Delivery.*

A Writ of Odio & Atia. Regiſt. 123. Regiſt. 133. 9 H. 3. Stat. 1. c. 26. 3 *Ed.* 1. *c.* 11. 6 *Ed.* 1. *ſtat.* 1. *c.* 9.

' A Writ of Treſpaſs *(ad audiendum & terminan- dum)* from henceforth ſhall not be granted be- ' fore any Juſtices, except Juſtices of either Bench, ' and Juſtices in Eyre, unleſs it be for an heinous Treſ- ' paſs, where it is neceſſary to provide ſpeedy Remedy, ' and our Lord the King of his ſpecial Grace hath ' thought it good to be granted. And from hence- ' forth a Writ to hear and determine Appeals before ' Juſtices aſſigned ſhall not be granted but in a ſpecial ' Caſe, and for a Cauſe certain, when the King com- ' mandeth. But leſt the Parties appealed or indicted ' be kept long in Priſon, they ſhall have a Writ of ' *Odio & Atia*, like as it is declared in *Magna Charta* ' and other Statutes.'

BReve de Tranſgreſſione ad audiendum & ter- minandum decetero non concedatur coram aliquibus Juſtitiariis exceptis Juſtitiariis de utroque banco & exceptis Juſtitiariis itinerantibus niſi pro enormi trangreſſione ubi neceſſe eſt feſtinum ap- ponere remedium & Dominus Rex de ſpeciali gra- tia hoc duxerit concedendum. Nec etiam conce- datur decetero breve ad audiendum & terminan- dum appella coram Juſtitiariis aſſignatis niſi in ca- ſu ſpeciali & certa cauſa cum Dominus Rex hoc preceperit. Sed ne hujuſmodi appellati vel indictati diu detineantur in priſona habeant breve de Odio & Atya ſicut in Magna Charta & aliis ſtatutis dic- tum eſt.

And ſee 28 *Ed.* 3. *c.* 9. *which takes away the Writ* de Odio & Atia.

CAP. XXX.

The Authority of Juſtices of *Niſi prius*. Adjournment of Suits. Certain Writs that be determinable in their proper Counties. A Jury may give their Verdict at large. None but which were ſummoned ſhall be put in Aſſiſes or Juries.

Who ſhall be Juſtices of Niſi prius. 2 Inſt. 422. 2 Bulſt. 160. 12 Co. 31, 52. Kel. 109. pl. 30. *Altered by* 27 Ed. 1. ſtat. 1. c. 4. 12 Ed. 2. *ſtat.* 1. c. 4. Regiſt. 186. F. N. B. 240. b. *who ſhall be Juſtices of Aſſiſe, and their Duty. See* 2 *Ed.* 3. *c.* 2, 4 *Ed.* 3. *c.* 2. 20 *Ed.* 3. *c.* 3 & 6.

Adjournment of Aſſiſes. 9 *H.* 3. *ſtat.* 1. *c.* 12. Bro. Niſi prius, 31.

' FROM henceforth two Juſtices ſworn ſhall be aſ- ' ſigned, before whom, and none other, Aſſiſes of ' *Novel diſſeiſin*, *Mortdaunceſtor*, and *Attaints* ſhall be ' taken, and they ſhall aſſociate unto them one or two ' of the diſcreeteſt Knights of the Shire into which ' they ſhall come; and ſhall take the foreſaid Aſſi- ' ſes and Attaints but thrice in the Year at the moſt, ' that is to ſay, firſt between the *Quinzime* of Saint ' *John Baptiſt*, and the *Gule* of *Auguſt*: and the ſecond ' Time, between the Feaſt of the Exaltation of the ' Holy Croſs, and the *Utas* of Saint *Michael*; and the ' third Time, between the Feaſt of the Epiphany, and ' the Feaſt of the Purification of the bleſſed *Mary*. ' And in every Shire at every taking of Aſſiſes before ' their Departure, they ſhall appoint the Day of their ' Return, ſo that every one of the Shire may know ' of their coming, and ſhall adjourn the Aſſiſes from ' Term to Term, if the taking of them be deferred ' at any Day by vouching to Warranty, by Eſſoin, ' or by Default of Jurors. And if they ſee that it be ' profitable for any Cauſe that Aſſiſes of *Mortdaun- ceſtor*, being reſpited by Eſſoin or Voucher, ought ' to be adjourned into the Bench; it ſhall be lawful ' for them to do it, and then they ſhall ſend the Record ' with the original Writ before the Juſtices of the ' Bench; and when the Matter is come to the taking ' of the Aſſiſe, the Juſtices of the Bench ſhall remit

ASſignentur decetero duo Juſtitiarii jurati co- ram quibus & non aliis capiantur aſſiſe Nove diſſeiſine Mortis anteceſſoris & Attincte & aſſoſient ſibi unum vel duos de diſcretioribus militibus co- mitatus in quem venerint & capiant aſſiſas pre- dictas & attinctas ad plus ter per annum videlicet ſemel inter quindenam ſancte Johannis Baptiſte & gulam Auguſti & iterum inter feſtum Exaltationis ſancte Crucis & octabis ſancti Michaelis & tertio inter feſtum Epiphanie & feſtum Purificationis be- ate Marie. Et in quolibet comitatu ad quamlibet captionem aſſiſarum antequam recedant ſtatuant diem de reditu ſuo ita quod omnes de comitatu ſcire poſſint eorum adventum & de termino in ter- minum adjournent aſſiſas ſi pervocationem warranti per eſſonium per defectum recognitorum ſi ad unum diem captio earum differatur. Et ſi aliqua de cauſa viderint quod utile ſit quod aſſiſe Mortis anteceſſo- ris per eſſonium vel vocationem warranti reſpectuate adjornentur in Banco liceat eis hoc facere & tunc mittatur Juſtitiariis de Banco recordum cum brevi originali Et cum loquela per veniatur ad captionem aſſiſe remittatur loquela cum brevi originali per Ju- ſtitiarios de Banco ad priores Juſtitiarios coram qui-

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bus capiatur aſſiſa. Set decetero dent Juſtitiarii de Banco in hujuſmodi aſſiſis ad minus quatuor dies per annum coram prefatis Juſtitiariis aſſignatis ut parcatur laboribus & expenſis. Atterminentur inquiſitiones capiende de tranſgreſſionibus placitatis coram Juſtitiariis de utroque Banco niſi ita enormis ſit tranſgreſſio quod magna indigeat examinatione. Atterminentur etiam coram eis inquiſitiones de aliis placitis placitatis in utroque Banco in quibus facilis eſt examinatio ut quando dedicitur ingreſſus vel ſeiſina alicujus vel in caſu cum de uno articulo ſit inquirendum. Set inquiſitiones de groſſis & pluribus articulis que magna indigent examinatione capiantur coram Juſtitiariis de Bancis niſi ambe partes petant quod inquiſitio capiatur coram aliquibus de ſocietate cum in partes illas venerint quod decetero non fiat niſi per duos Juſtitiarios vel unum cum aliquo milite de comitatu in quem partes conſentiunt. Nec atterminentur hujuſmodi inquiſitiones coram aliquibus Juſtitiariis de Banco niſi ſtatuantur certus dies & locus in comitatu in preſentia partium & dies & locus inſerantur in brevi de Judicio per hec verba: *Precipimus tibi quod venire facias coram Juſtitiariis noſtris apud Weſtm' in Octabis ſancti Michaelis niſi talis & talis tali die & loco ad partes illas venerint xii. &c.*

Et cum hujuſmodi inquiſitiones capte fuerint retornentur in Bancis & ibi fiat judicium & irrotulentur. Et ſi omiſſa forma predicta alique inquiſitiones capiantur pro nullis habeantur excepto quod aſſiſa Ultime preſentationis & inquiſitiones ſuper Quare impedit atterminentur in proprio comitatu coram uno Juſtitiario de Banco & uno milite ad certos tamen diem & locum in Banco ſtatutos ſive defendens conſentiat ſive non & ibi ſtatim reddatur judicium. Habeant decetero omnes Juſtitiarii de Bancis in itineribus clericos irrotulantes omnia placita coram eis placitata ſicut antiquitus habere conſueverint. Item ordinatum eſt quod Juſtitiarii ad aſſiſas capiendas aſſignati non compellant juratores dicere preciſe ſi ſit diſſeiſina vel non dummodo voluerint dicere veritatem facti & petere auxilium Juſtitiariorum. Set ſi ſponte velint dicere quod diſſeiſina eſt vel non admittatur eorum veredictum ſub ſuo periculo. Et decetero non ponant Juſtitiarii in aſſiſis aut juratis aliquos juratores niſi eos qui ad hoc primo fuerunt ſummoniti.

'the Matter to the former Juſtices before whom the 'Aſſiſe ſhall be taken. But from henceforth the 'Juſtices of the Bench in ſuch Aſſiſes ſhall give four 'Days at the leaſt in the Year before the ſaid Juſtices 'aſſigned, to ſpare Expence and Labour. Inqui- 'ſitions of Treſpaſs ſhall be determined before the 'Juſtices of both Benches, except the Treſpaſs be 'ſo heinous that it ſhall require great Examination. 'Inquiſitions alſo of other Pleas pleaded in either of 'the Benches, ſhall be determined before them, where- 'in ſmall Examination is required, as when the En- 'try or Seiſin of any is denied, or in caſe when one 'Article is to be inquired. But Inquiſitions of 'many and great Articles, the which require great 'Examination, ſhall be taken before the Juſtices of the 'Bench, except that both Parties deſire that the In- 'quiſition may be taken afore ſome of the Aſſociates 'when they do come into thoſe Parts; ſo that from 'henceforth it ſhall not be done but by two Juſtices, 'or one with ſome Knight of the Shire, upon whom 'the Parties can agree. And ſuch Inquiſitions ſhall 'not be determined by any Juſtices of the Bench, 'unleſs a Day and a Place certain be appointed in the 'Shire, in Preſence of the Parties, and the Day and 'Place ſhall be mentioned in a Writ judicial by theſe 'Words:' Præcipimus tibi quod venire facias coram Juſticiariis noſtris apud Weſtmonaſterium in octabis ſancti Michaelis, niſi talis & talis tali die & loco ad partes illas venerint, duodecim, &c.

Inquiſitions of Treſpaſs. 13 Co. 42.

The Writ of Niſi prius. Regiſt. ind. 7. F. N. B. 240. E. Raſt. 437. 2 Salk. 454. *See Index, tit.* Juſtices of Aſſiſe.

'II. And when ſuch Inqueſts be taken, they ſhall 'be returned into the Bench, and there ſhall Judge- 'ment be given, and there they ſhall be inrolled. 'And if any Inquiſitions be taken otherwiſe than after 'this Form, they ſhall be of no Effect, except that 'an Aſſiſe of *Darrein preſentment*, and Inquiſitions of '*Quare impedit* ſhall be determined in their own Shire 'before one Juſtice of the Bench and one Knight, at 'a Day and Place certain in the Bench aſſigned, whe- 'ther the Defendant conſent, or not, and there the 'Judgement ſhall be given immediately. All Ju- 'ſtices of the Benches from henceforth ſhall have in 'their Circuits Clerks to inroll all Pleas pleaded be- 'fore them, like as they have uſed to have in Time 'paſſed. And alſo it is ordained, That the Juſtices 'aſſigned to take Aſſiſes ſhall not compel the Jurors 'to ſay preciſely whether it be Diſſeiſin, or not, ſo 'that they do ſhew the Truth of the Deed, and re- 'quire Aid of the Juſtices. But if they of their 'own Head will ſay, that it is Diſſeiſin, their Verdict 'ſhall be admitted at their own Peril. And from 'henceforth the Juſtices ſhall not put in Aſſiſes or 'Juries any other than thoſe that were ſummoned to 'the ſame at the firſt.'

Aſſizes of Darrain preſentment and Quare impedit ſhall be ended in their proper Counties. 9 *H.* 3. *ſtat.* 1. c. 13. Dyer 135, 163.

Clerks of Aſſiſe. Dyer 175.

A Jury may give their Verdict at large. Raſt. 99, 333. Plow. 92. Dyer 173. 9 Co. 11. 14 Ed. 3. ſtat. 1. c. 16.

None ſhall be put in Juries but ſuch as were ſummoned. *See Index, tit.* Juſtices of Aſſiſe *and* Niſi prius.

CAP. XXXI.

An Exception to a Plea ſhall be ſealed by the Juſtices.

CUM aliquis implacitatus coram aliquibus Juſtitiariis proponat exceptionem & petat quod Juſtitiarii eam allocent quam ſi allocare noluerint ſi ille qui exceptionem proponet ſcribat illam exceptionem & petat quod Juſtitiarii apponant ſigilla in

'WHEN one that is impleaded before any of the 'Juſtices doth alledge an Exception, praying 'that the Juſtices will allow it, which if they will not 'allow, if he that alledged the Exception do write the 'ſame Exception, and require that the Juſtices will

9 Co. 13. Kelyng 15. 2 Inſt. 426.

'put to their Seals for a Witneſs, the Juſtices ſhall ſo 'do; and if one will not, another of the Company 'ſhall. And if the King, upon Complaint made 'of the Juſtices, cauſe the Record to come before him, 'and the ſame Exception be not found in the Roll, 'and the Plaintiff ſhew the Exception written, with 'the Seal of a Juſtice put to, the Juſtice ſhall be com-'manded that he appear at a certain Day, either to 'confeſs or deny his Seal. And if the Juſtice can-'not deny his Seal, they ſhall proceed to Judgment 'according to the ſame Exception, as it ought to be Regiſt. 182. 'allowed or diſallowed.'

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teſtimonium Juſtitiarii ſigilla ſua apponant & ſi unus apponere noluerit apponat alius de ſocietate. Et ſi forte ad querimoniam de facto Juſtitiariorum venire faciat Dominus Rex recordum coram eo & ſi illa [a] *receptio* non inveniatur in rotulo & querens oſtendat exceptionem ſcriptam cum ſigillo Juſtitiarii appenſo mandetur Juſtitiario quod ſit ad certum diem ad cognoſcendum ſigillum ſuum vel dedicendum. Et ſi Juſtitiarius ſigillum ſuum dedicere non poſſit procedatur ad judicium ſecundum illam exceptionem prout admittenda eſſet vel caſſanda.

CAP. XXXII.

Mortmain by Recovery of Land by Default.

7 Ed. 1. ſtat. 2. 2 Inſt. 428. "WHEN Religious Men and other Eccleſiaſtical Perſons do implead any, and the Party impleaded maketh Default, whereby he ought to leeſe the Land, foraſmuch as the Juſtices have thought hitherto, that if the Party impleaded make Default by Colluſion, that where the Demandant, by Occaſion of the Statute, could not obtain Seiſin of the Land by Title of Gift, or other Alienation, he ſhall now by reaſon of the Default, and ſo the Statute is defrauded;" 'it is ordained by our Lord the Fitz. Coll. 1, 2, 4, 5, 6, 7, 9, 10, 11, 22, 24, 25, 26, 27, 31, 40, 42, 46. 'King, and granted, That in this Caſe, after the Default made, it ſhall be inquired by the Country, whether the Demandant had Right in the Thing demanded, or no. And if it be found that the Demandant 10 H. 7. f. 3. 11 Ed. 3. ſtat. 3. c. 3. 'had Right in his Demand, the Judgment ſhall paſs with him, and he ſhall recover Seiſin; and if he hath 'no Right, the Land ſhall accrue to the next Lord of 'the Fee, if he demand it within a Year from the 'Time of the Inqueſt taken; and if he do not 'demand it within the Year, it ſhall accrue to the 'next Lord above, if he do demand it within half a 'Year after the ſame Year; and ſo every Lord after 'the next Lord ſhall have the Space of half a Year 'to demand it ſucceſſively, until it come to the King, 'to whom at length, through Default of other Lords, Every chief Lord may challenge the Jurors. 'the Land ſhall accrue. And to challenge the Jurors 'of the Inqueſt, every of the chief Lords of the Fees 'ſhall be admitted, and likewiſe for the King, they 'that will ſhall challenge; and after the Judgement 'given, the Land ſhall remain clear in the King's 'Hands, until it be dereigned by the Demandant, or 'ſome other chief Lord, and the Sheriff ſhall be 9 H. 3. ſtat. 1. c. 36. 'charged to anſwer therefore at the Exchequer.'

See farther Index, tit. Mortmain.

CUM viri religioſi & alie perſone eccleſiaſtice implacitent aliquem & implacitatus fecerit defaltam ob quam tenementum amittere debeat quia Juſtitiarii hucuſque timuerunt quod ſi implacitatus fecerit defaltam per colluſionem ut cum petens occaſione ſtatuti per titulum doni aut alterius alienationis ſeiſinam de tenemento conſequi non poſſet per illam defaltam conſequeretur & fieret fraus ſtatuto ordinatum eſt per Dominum Regem & conceſſum quod in hoc caſu poſtquam defalta facta fuerit inquiratur per patriam utrum petens habeat jus in ſua petitione aut non. Et ſi compertum fuerit quod petens jus habet in ſua petitione procedatur ad judicium pro petente & recuperet ſeiſinam ſuam Et ſi jus non habuerit incurratur tenementum proximo domino feodi ſi illud petat infra annum a tempore inquiſitionis capte Et ſi infra annum non petat ſuperiori domino incurratur ſi petat infra dimidium annum poſt illum annum Et ſic habeat quilibet dominus poſt proximum dominum ſpacium dimidii anni ad petendum ſucceſſive quouſque perveniatur ad Regem cui ad ultimum pro defectu aliorum dominorum tenementum incurratur. Et ad calumpniandum juratores inquiſitionis admittantur quicumque capitales domini feodorum & ſimiliter pro Rege qui calumpniare voluerit & remaneat terra poſtquam judicium clarum fuerit in manu Domini Regis quouſque tenementum per petentem vel aliquem capitalem dominum diſrationetur & oneretur vicecomes ad reſpondendum inde ad Scaccarium.

CAP. XXXIII.

Lands where Croſſes be ſet, ſhall be forfeited as Lands aliened in *Mortmain*.

2 Inſt. 431. "FOraſmuch as many Tenants ſet up Croſſes, or cauſe to be ſet up in their Lands, in Prejudice of their Lords, that Tenants ſhould defend themſelves againſt the chief Lords of the Fee, by the Privileges of Templars and Hoſpitalers;" 'it is 'ordained, That ſuch Lands ſhall be forfeit to the chief 'Lords, or to the King, in the ſame Manner as is pro-OB. 'vided for Lands aliened in *Mortmain*.'

QUIA multi tenentes erigunt cruces in tenementis ſuis aut erigi permittunt in prejudicium dominorum ſuorum ut tenentes per privilegium Templariorum & Hoſpitelariorum tueri ſe poſſint contra capitales dominos feodorum ſtatutum eſt quod hujuſmodi tenementa capitalibus dominis aut Regi incurrantur eodem modo quo ſtatuitur alibi de tenementis alienatis ad mortuam manum.

[a] For *receptio*, read *exceptio*.

CAP.

CAP. XXXIV.

It is Felony to commit Rape. A married Woman elopeth with an Advouterer. The Penalty for carrying a Nun from her Houſe.

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PUrveu eſt que ſi homme raviſe femme eſpouſe damoiſelle ou autre femme deſoremes par la ou ele ne ſe eſt aſſentue ne avaunt ne apres eit jugement de vie & de membre. E enſement par la ou home raviſt femme dame eſpouſe damoiſelle ou autre femme a force tut ſeit ke ele ſe aſſente apres eit tel jugement come avaunt eſt dit ſi il ſeit ateint a la ſuite le Rei e la eit le Rei ſa ſuite. De mulieribus abductis cum bonis viri habeat Rex ſectam de bonis ſic aſportatis. Et uxor ſi ſponte reliquerit virum ſuum & abierit & moretur cum adultero ſuo amittat imperpetuum actionem petendi dotem ſuam que ei competere poſſet de tenemento viri ſi ſuper hoc convincatur niſi vir ſuus ſponte & abſque cohertione eccleſiaſtica eam reconciliet & ſecum cohabitare permittat in quo caſu reſtituatur ei actio. Qui monialem a domo ſua abducat licet monialis conſentiat puniatur per priſonam trium annorum & ſatisfaciat domui a qua abducta fuerit competentur & nichilominus redimatur ad voluntatem Regis.

'IT is provided, That if a Man from henceforth do raviſh a Woman married, Maid, or other, where ſhe did not conſent, neither before nor after, he ſhall have Judgement of Life and of Member. And likewiſe where a Man raviſheth a Woman married, Lady, Damoſel, or other, with Force, although ſhe conſent after, he ſhall have ſuch Judgement as before is ſaid, if he be attainted at the King's Suit, and there the King ſhall have the Suit. And of Women carried away with the Goods of their Huſbands, the King ſhall have the Suit for the Goods ſo taken away. And if a Wife willingly leave her Huſband, and go away, and continue with her Advouterer, ſhe ſhall be barred for ever of Action to demand her Dower, that ſhe ought to have of her Huſband's Lands, if ſhe be convict thereupon, except that her Huſband willingly, and without Coertion of the Church, reconcile her, and ſuffer her to dwell with him; in which Caſe ſhe ſhall be reſtored to her Action. He that carrieth a Nun from her Houſe, although ſhe conſent, ſhall be puniſhed by three Years Impriſonment, and ſhall make convenient Satisfaction to the Houſe from whence ſhe was taken, and nevertheleſs ſhall make Fine at the King's Will.'

It is a Felony to raviſh a Woman. 3 Ed. 1. c. 13.

If a Wife do elope with an Advouterer, ſhe ſhall forfeit her Dower. 1 Inſt. 32.

Taking away of a Nun.

This Clauſe is obſolete by the 31 H. 8. *c.* 13. *for the Diſſolution of Monaſteries.*

See 6 R. 2. c. 6. *for the Penalty of the Man and Woman where the Woman conſents. And* 18 *Eliz. c.* 7. *which takes away Clergy from Offences of the* 4*th Sect. of the ſame ſtat. which makes it Felony without Clergy to have carnal Knowledge of a Woman Child under the Age of ten Years.* 2 Roll 247. 9 Ed. 4. f. 26. Bro. Coron. 203. Dyer 256. Fitz. Dower, 41, 72, 94, 119, 153. Fitz. Act. ſur le ſtat. 12. 37. Rape. Likewiſe Regiſt. 57.

CAP. XXXV.

In what Caſes do lie a Writ of Raviſhment of Ward, *Communi Cuſtodia, Ejectione, &c.*

DE pueris ſive maſculis ſive femellis quorum maritagium ad aliquem pertineat raptis & abductis ſi ille qui rapuit non habens jus in maritagio licet poſtmodum reſtituat puerum non maritatum vel de maritagio ſatisfecerit puniatur tamen pro tranſgreſſione per priſonam duorum annorum Et ſi non reſtituerit vel heredem poſt annos nubiles maritaverit Et de maritagio ſatisfacere non poterit abjuret regnum vel habeat perpetuam priſonam & ſuper hoc habeat querens tale breve:

Si A. fecerit te ſecurum de clam' ſuo pros' tunc pone per vadium, &c. quod ſit coram Juſtic' &c. oſtenſurus quare talem heredem infra etatem exiſtentem cujus maritagium ad ipſum pertinet tali loco inventum rapuit & abduxit contra voluntatem ipſius A. & contra pacem noſtram &c.

Et ſi heres ſit in eodem comitatu tunc addatur iſta clauſula:

Et diligenter inquiras ubi ille heres ſit in balliva tua & ipſum ubicumque fuerit inventus capias & ſalvo & ſecure cuſtodias ita quod eum habeas coram prefatis Juſtitiariis noſtris ad preſatum terminum ad reddendum cui predictorum A. vel B. reddi debeat.

Et fiat ſecta verſus partem de qua queritur quouſque per diſtrictionem venerit ſi habeat per quod poſſit diſtringi vel per contumaciam ſi non ſit juſtitiabilis exigatur & utlagetur. Si forte hujuſmodi heres ducatur & transferatur in alium comitatum

'CONcerning Children Males or Females (whoſe Marriage belongeth to another) taken and carried away, if the Raviſher have no Right in the Marriage, though after he reſtore the Child unmarried, or elſe pay for the Marriage, he ſhall nevertheleſs be puniſhed for his Offence by two Years Impriſonment; and if he do not reſtore, or do marry the Child after the Years of Conſent, and be not able to ſatisfy for the Marriage, he ſhall abjure the Realm, or have perpetual Impriſonment; and thereupon the Plaintiff ſhall have ſuch a Writ:'

Si A. fecerit te ſecurum de clamore ſuo, &c. tunc pone per vadium, &c. B. quod ſit coram juſticiariis, &c. oſtenſurus, quare talem hæredem infra ætatem exiſtentem, cujus maritagium ad ipſum pertinet, tali loco inventum rapuit & abduxit contra voluntatem ipſius A. & contra pacem noſtram, &c.

'And if the Heir be in the ſame County, then this Clauſe muſt be thereto added:'

Et diligenter inquiras, ubi ille hæres ſit in balliva tua; & ipſum (ubicunque fuerit inventus) capias, & ſalvo & ſecure cuſtodias, ita quod eum habeas coram præfatis juſticiariis noſtris ad præfatum terminum, ad reddendum cui prædictorum A. vel B. reddi debeat.

'And Suit ſhall be made againſt the Party on whom Complaint is made, until he come in by Diſtreſs, if he have whereby he may be diſtrained; or elſe for his Contumacy, in caſe he be not juſtifiable, he ſhall be outlawed. And if percaſe the Heir

'be

The Puniſhment of him that taketh away a Ward. 2 Inſt. 433. 3 Inſt. 171. Fitz. Gard. 18, 25, 29, 30, 31, 32, 118, 121. Fitz. Judgm. 102, 116, 123, 150, 157, 172, 204. Bro. Raviſhment, 33. Co. Lit. 136. b. Hob. 93. 1 Roll 445. 2 Roll 354.

A Writ of Raviſhment of Ward. Regiſt. 163. 9 Co. 71, 74. Fitz. Brief, 823. Raſt. 390. 3 Bulſt. 275, 278, 281.

Proceſs againſt an Offender

'be married, or carried into another County, then a 'Writ ſhall be directed to the Sheriff of the ſame 'Shire in this Form:'

A Writ if the Heir be carried into another County. Dyer 289.

Queſtus eſt nobis A. quod B. nuper talem hæredem infra ætatem & in cuſtodia ſua exiſtentem tali loco in comitatu tali rapuit, & de comitatu tali ad talem locum in com' tuo abduxit contra voluntatem ipſius A. & contra pacem noſtram, &c. Et ideo tibi præcipimus, quod prædictum hæredem (ubicunque in balliva tua invenire poteris) capias, & ſalvo & ſecure eum cuſtodias, ita quod eum habeas coram juſtitiariis noſtris, &c. tali die, quem idem A. habet verſus prædictum B. ad reddendum cui de jure reddi debeat.

If the Heir die before the Suit ended. Fitz. Brief, 776.

'And if the Heir do die afore he can be found, or 'before he can be reſtored to the Plaintiff, the Plea 'ſhall paſs between them nevertheleſs, until it be tried 'unto whom he ought to have been reſtored if he had 'been living. Neither ſhall the Raviſher of ſuch 'a one be excuſed or eaſed of the Puniſhment afore-'ſaid by the Death of the Heir, whom he did with-24 Ed. 3. f. 48. 'hold by Wrong during his Life. And if the Plain-11 H. 4. f. 54. 'tiff die before the Plea determined, if the Right 'belong to him by reaſon of his proper Fee, the Plea 'ſhall be reſummoned at the Suit of the Heir of the 'Plaintiff, and the Plea ſhall paſs in due Order. But Fitz. Executors, 52. 'if the Right belongeth to him by another Title, 'as by a Title of Gift, Sale, or other ſuch like, then Fitz. Gard 110. 24 Ed. 3. f. 25. 'the Plea ſhall be reſummoned at the Suit of the Exe-'cutors of the Plaintiff, and the Plea ſhall paſs as be-If the Defendant die. 'fore is ſaid. In the ſame manner if the Defendant 'die before the Plea be tried, or the Heir be reſtored, 'the Plea ſhall paſs by Reſummons between the 'Plaintiff, his Heirs or Executors, and the Executors 'of the Defendant or his Heirs, if the Executors be 'not ſufficient to ſatisfy for the Value of the Marriage, 52 H. 3. c. 6. 3 Ed. 1. c. 22. 'after it is contained in other Statutes, but not as to 'the Pain of Impriſonment; for none ought to be Reſummons in communi cuſtodia. 'puniſhed for the Offence of another. In the ſame 'manner when a Plea hangeth between Parties for the 52 H. 3. c. 7. Fitz. Proces. 33. 'Ward of Land, or of an Heir, or of both, by the 'common Writ that beginneth *Præcipe tali, &c. quod 'reddat, &c.* Reſummons ſhall be made between the 'Heirs and Executors of the Plaintiff; and likewiſe 'the Heirs and the Executors of the Defendant, if 'Death prevent any of the Parties before the Plea de-'termined. And when they have paſſed to the 'great Diſtreſs, a Day ſhall be given, within which 'three County-Courts may be holden at the leaſt, in 'every of which open Proclamation ſhall be made, 'that the Deforcer ſhall come into the Bench at the 'Day contained in the Writ, to anſwer the Plaintiff; 'at which Day if he come not, and the Proclama-'tion be ſo returned once, twice, or thrice, the 'Judgement ſhall paſs for the Plaintiff, ſaving the 'Right of the Defendant, if after he will claim it. Fitz. Gatd. 89. Dyer 369. 'In the ſame manner it ſhall be done in a Writ of Ejectione cuſto-diæ. Regiſt. 161, &c. 'Treſpaſs, when any complaineth himſelf to be Obſ. by 12 Car. 2. c. 24. 'ejected from ſuch Wardſhips.'

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tunc vicecomiti illius comitatus fiat breve in hac forma:

Queſtus eſt nobis A. quod B. nuper talem heredem infra etatem & in cuſtodia ſua exiſtentem tali loco in comitatu tali rapuit & de comitatu tali ad talem locum in comitatu tuo abduxit contra voluntatem ipſius A. & contra pacem noſtram Et ideo tibi precipimus quod predictum heredem ubicumque in balliva tua invenire poteris capias & ſalvo & ſecure eum cuſtodias ita quod eum habeas coram Juſtitiariis noſtris tali loco & die quem diem idem A. habet verſus predictum B. ad reddendum cui de jure reddi debeat.

Et ſi heres antequam inveniri poterit vel antequam reſtituatur querenti obierit nichilominus procedat placitum inter eos quouſque terminetur cui reſtitui deberet ſi ſuperſtes fuiſſet. Nec excuſabitur ille aut alleviabitur ille qui injuſte rapuit hujuſmodi heredem de pena ſupradicta poſt mortem heredis cujus extitit male fidei poſſeſſor dum vixit. Et ſi querens obierit ante placitum terminatum ſi jus ei competebat ratione proprii feodi ſui reſummoneatur loquela ad ſectam heredis querentis & procedat placitum debito ordine. Si vero per alium titulum competat ei jus ſicut titulo donationis venditionis vel alio hujuſmodi titulo tunc reſummoneatur loquela ad ſectam executorum querentis & procedat placitum ut predictum eſt. Eodem modo ſi moriatur pars defendens antequam placitum terminetur vel heres reſtituatur procedat placitum per reſummonitionem inter querentem vel ejus heredem ſeu executores & executores defendentis vel ejus heredem ſi executores non ſufficiant quoad ſatisfactionem de valore maritagii ſecundum quod in aliis ſtatutis continetur ſet non quoad penam priſone qua quis pro alieno facto non eſt puniendus. Eodem modo cum pendeat placitum inter partes de cuſtodia terre & heredis vel utriuſque per commune breve quod incipit *Precipe tali quod reddat &c.* fiat reſummonitio inter heredes & executores querentis & ſimiliter heredes aut executores defendentis ſi mors alteram partem preveniat ante placitum terminatum. Et cum perveniatur ad magnam diſtrictionem detur terminus infra quem tres comitatus teneantur ad minus in quorum quolibet comitatu fiat publica proclamatio quod deforciator veniat ad bancum ad diem in brevi contentum reſponſurus querenti ad quem diem ſi non venerit & proclamatio ſic ſemel ſecundo & tertio teſtificata fuerit procedatur ad judicium pro querente ſalvo jure defendentis ſi poſtmodum inde loqui voluerit. Eodem modo fiat in brevi de tranſgreſſione cum quis queritur ſe ejectum fuiſſe de hujuſmodi cuſtodiis.

CAP. XXXVI.

A Diſtreſs taken upon a Suit commenced by others.

The Penalty for Procurement of Suits. 22 Ed. 3. f. 15. Fitz. Avowry, 78.

"FOraſmuch as Lords of Courts, and other that "keep Courts, and Stewards, intending to grieve "their Inferiors, where they have no lawful mean ſo "to do, procure other to move Matters againſt them, "and to put in Surety and other Pledges, or to pur-

ET quia domini curiarum & alii qui curias tenent & ſeneſcalli volentes gravare ſubditos ſuos cum non habeant legalem viam eos gravandi procurant alios movere querelas verſus eos & dare vadium & offerre plegios vel impetrare brevia & ad ſectas

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ſectas hujuſmodi querentium compellunt eos ſequi comitatum hundredum & curiam quouſque finem fecerint cum ipſis pro voluntate ſua ſtatutum eſt quod decetero hoc non fiat. Et ſi quis per hujuſmodi falſas querimonias fuerit attachiatus replegiat diſtrictionem ſuam ſic captam & poni faciat loquelam coram Juſtitiariis coram quibus ſi vicecomes vel alius ballivus vel dominus poſtquam ſic diſtrictus formaverit querimoniam ſuam advocaverit juſtam diſtrictionem ratione hujuſmodi querimoniarum coram eis factarum & replicetur quod hujuſmodi querimonie verſus eos movebantur malitioſe ad inſtantiam ſeu procurationem vicecomitis aut aliorum ballivorum aut dominorum admittatur illa replicatio Et ſi ſuper hoc convicti fuerint verſus dominum regem redimantur & nichilominus hujuſmodi ſic gravatis dampna in triplo reſtituant.

" chaſe Writs, and at the Suit of ſuch Plaintiffs com- 9 *H.* 3. *c.* 10.
" pel them to follow the County, Hundred, Wapen- 51 *H.* 3. *ſtat.* 4.
" take, and other like Courts, until they have made 52 *H.* 3. *c.* 1 & *ſequent.* 3 *Ed.* 1.
" Fine with them at their Will;" ' it is ordained, *c.* 16 & 23.
' that it ſhall not be ſo uſed hereafter. And if any 2 Inſt. 443.
' be attached upon ſuch falſe Complaints, he ſhall re-
' plevy his Diſtreſs ſo taken, and ſhall cauſe the Mat-
' ter to be brought afore the Juſtices, before whom if
' the Sheriff, Bailiff, or other Lord (after that the
' Party diſtrained hath framed his Plaint) will advow
' the Diſtreſs lawful by reaſon of ſuch Complaints
' made unto them, and it be replied that ſuch Plaints
' were moved maliciouſly againſt the Party by the So-
' licitation or Procurement of the Sheriff, or other
' Bailiffs, or Lords, the ſame Replication ſhall be ad- 13 Hen. 4. 2.
' mitted; and if they be convict hereupon, they ſhall
' make Fine to the King, and nevertheleſs reſtore *See Index, tit.* Diſtreſs.
' treble Damages to the Parties grieved.'

CAP. XXXVII.

No Diſtreſs ſhall be taken but by Bailiffs known and ſworn.

QUIA etiam ballivi ad quos ex officio pertinet diſtrictiones facere volentes ſubditos ſuos gravare ut ab eis pecuniam extorqueant mittunt ignotos ad faciend' diſtrictiones ea intentione ut ſubditos gravare poſſint per hoc quod ſic diſtricti non habentes notitiam perſonarum non permittunt hujuſmodi diſtrictiones ſuper eos fieri ſtatutum eſt quod nulla diſtrictio fiat niſi per ballivos juratos & notos. Et diſtringentes ſi alio modo fecerint & de hoc convicti fuerint ſi gravati breve de Tranſgreſſione impetraverint reſtituant gravatis dampna & verſus Regem graviter puniantur.

" FOraſmuch alſo as Bailiffs, to whoſe Office it be- 2 Inſt. 445.
" longeth to take Diſtreſſes, intending to grieve
" their Inferiors, that they may exact Money of them,
" do ſend Strangers to take Diſtreſſes, to the Intent
" that they might grieve their Inferiors, by reaſon that
" the Parties ſo diſtrained, not knowing ſuch Perſons,
" will not ſuffer the Diſtreſſes to be taken;" ' it is
' provided, That no Diſtreſs ſhall be taken, but by
' Bailiffs ſworn and known. And if they which do
' diſtrain do otherwiſe, and thereof be convict (if the 3 Co. 12.
' Parties grieved will purchaſe a Writ of Treſpaſs)
' they ſhall reſtore Damages to the Parties grieved, and
' beſides, ſhall be grievouſly puniſhed towards the King.'

CAP. XXXVIII.

How many ſhall be returned in Juries and petit Aſſiſes, and of what Age they ſhall be.

QUIA etiam vicecomites hundredarii & ballivi libertatum conſueverunt gravare ſubditos ſuos ponendo in aſſiſis & juratis homines languidos decrepitos perpetua vel temporali infirmitate languentes homines etiam tempore ſummonitionis ſue in patria non commorantes ſummonendo etiam effrenatam multitudinem juratorum ita ut a quibuſdam eos in pace dimittendo pecuniam extorqueant & ſic fiunt aſſiſe & jurate multotiens per pauperiores divitibus pro ſuo dando domi commorantibus ſtatutum eſt decetero quod non ſummoneantur in una aſſiſa plures quam viginti & quatuor Senes etiam videlicet ultra ſexaginta & decem annos perpetuo languidi vel tempore ſummonitionis infirmi vel in patria non commorantes non ponantur in juratis vel minoribus aſſiſis. Nec etiam ponantur in aſſiſis aut juratis licet in proprio comitatu capi debeant aliqui qui minus habeant tenementum quam ad valentiam viginti ſolidorum per annum. Et ſi hujuſmodi aſſiſe & jurate extra comitatum capi debeant non ponatur in eis aliquis qui minus tenementum habeat quam ad valentiam quadraginta ſolidorum per annum hiis exceptis

" FOraſmuch alſo as Sheriffs, Hundreders, and Bai-
" liffs of Liberties, have uſed to grieve thoſe which
" be in Subjection unto them, putting in Aſſiſes and
" Juries men diſeaſed and decrepit, and having con-
" tinual or ſudden Diſeaſe; and Men alſo that dwel-
" led not in the Country at the Time of the Sum-
" mons; and ſummon alſo an unreaſonable Multitude
" of Jurors, for to extort Money from ſome of them
" for letting them go in Peace, and ſo the Aſſiſes and
" Juries paſs many Times by Poor Men, and the
" rich Men abide at Home by reaſon of their Bribes;"
' it is ordained, That from henceforth in one Aſſiſe What ſort of Perſons ſhall be returned in Juries or petit Aſſiſes, and of what Age they ſhall be. Kelyng 16. *Enforced by* 28 Ed. 1. ſtat. 3. c. 9. 10 H. 4. f. 8. 2 Roll 163. Bro. Jurors, 24. Co. Lit. 158.
' no more ſhall be ſummoned than four and twenty;
' and old Men, above Threeſcore and ten Years,
' being continually ſick, or being diſeaſed at the
' Time of the Summons, or not dwelling in that
' Country, ſhall not be put in Juries of petit Aſſiſes.
' Nor any ſhall be put in Aſſiſes or Juries, though
' they ought to be taken in their own Shire, that hold
' a Tenement of leſs than the Value of Twenty
' Shillings yearly. And if ſuch Aſſiſes and Juries be
' taken out of the Shire, none ſhall paſs in them but
' ſuch as hold a Tenement of leſs than the Value of

See farther for the Qualifications of Jurors, Index tit. Juries.

' Forty

'Forty Shillings yearly at the leaſt, except ſuch as 'be Witneſſes in Deeds or other Writings, whoſe 'Preſence is neceſſary, ſo that they be able to travel.

What Sort of Perſons ſhall be returned in great Aſſiſes. Kel. 97.

'Neither ſhall this Statute extend to great Aſſiſes, in 'which it behoveth many Times Knights, to paſs 'not reſident in the Country, for the Scarcity of 'Knights, ſo that they have Land in the Shire. And 'if the Sheriff, or his Under-ſheriffs, or Bailiffs of 'Liberties, offend in any Point of this Statute, and 'thereupon be convict, Damages ſhall be awarded to 'the Parties grieved, and they ſhall nevertheleſs be

3 Ed. 3. f. 30.

'amerced to the King. And Juſtices aſſigned to take 'Aſſiſes, when they come into the Shire, ſhall have 'Power to hear the Plaints of all Complainants as to 'the Articles contained in this Statute, and to mini-'ſter Juſtice in Form aforeſaid.'

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qui teſtes ſunt in cartis vel aliis ſcriptis quorum preſentia neceſſaria eſt dum tamen potentes ſint ad laborandum. Nec debet iſtud ſtatutum extendi ad magnas aſſiſas in quibus aliquando oportet apponere milites in patria non reſidentes propter paucitatem militum dum tamen in comitatu habeant tenementum. Et ſi vicecomes vel ſubballivi ſui vel ballivi libertatis contra iſtud ſtatutum in aliquo articulo venerint & ſuper hoc convincantur reſtituant dampna gravatis & nichilominus ſint in miſericordia Domini Regis. Et habeant juſtitiarii ad aſſiſas capiendas aſſignati cum in comitatum venerint poteſtatem audiendi querimonias ſingulorum conquerentium quoad articulos in iſto ſtatuto contentos & juſtitiam in forma predicta exhibendi.

CAP. XXXIX.

The Manner to deliver Writs to the Sheriff to be executed. The Sheriff returneth a Liberty where none is. Returning of Iſſues. Reſiſtence of Execution of Proceſs.

How Writs ſhall be delivered to Sheriffs to be executed. *Enforced by* 2 Ed. 3. c. 5. Regiſt. 86. 1 Inſt. 400. 1 Roll 440.

"FOraſmuch as Juſtices, to whoſe Office it be-"longeth to miniſter Juſtice to all that ſue before "them, are many Times diſturbed in due Execution "of their Office, for that Sheriffs do not return Writs "original and judicial; and alſo for that they make "falſe Returns unto the King's Writs;" 'our 'Lord the King hath provided and ordained, That 'ſuch as do fear the Malice of Sheriffs, ſhall deliver 'their Writs original and judicial in the open County, 'or in the Rere County where the Collection of the

4 Co. 65. b.

'King's Money is; and may take of the Sheriff 'or Under-ſheriff, being preſent, a Bill, wherein the 'Names of the Demandants and Tenants mentioned 'in the Writ ſhall be contained; and at the Requeſt 'of him that delivered the Writ, the Seal of the 'Sheriff or Under-ſheriff ſhall be put to the Bill for a 'Teſtimony, and Mention ſhall be made of the Day 'of the Deliverance of the Writ. And if the She-'riff or Underſheriff will not put his Seal to the Bill, 'the Witneſs of Knights and other credible Perſons 'being in Preſence ſhall be taken, that put their Seals 'to ſuch Bill. And if the Sheriff will not return 'Writs delivered unto him, and Complaint thereof 'be made to the Juſtices, a Writ judicial ſhall go un-'to the Juſtices aſſigned to take Aſſiſes, that they ſhall 'inquire by ſuch as were preſent at the Deliverance 'of the Writ to the Sheriff, if they knew of the De-'liverance, and an Inqueſt ſhall be returned. And 'if it be found by the Inqueſt, that the Writ was de-'livered to him, Damages ſhall be awarded to the 'Plaintiff or Demandant; having reſpect to the Qua-'lity and Quantity of the Action, and to the Peril 'that might have come to him by reaſon of the Delay

3 Ed. 1. c. 17. V. N. B. f. 43.

'that he ſuſtained; and by this Mean there ſhall be

The Sheriff returneth a Liberty where none is.

'Remedy when the Sheriff returneth that the Writ 'came too late, whereby he could not execute the 'King's Commandment. Oftentimes alſo Pleas be 'delayed by reaſon that the Sheriff returneth that he 'hath commanded the Bailiffs of ſome Liberty which 'did nothing therein, and nameth Liberties that ne-'ver had the Return of Writs; whereupon our Lord 'the King hath ordained, That the Treaſurer 'of the Exchequer ſhall deliver to the Juſtices in 'a Roll all the Liberties in all Shires that have Re-'turn of Writs. And if the Sheriff anſwer that he

QUia Juſtitiarii ad quorum officium ſpectat unicuique coram eis placitandi juſtitiam exhibere frequentius impediuntur quo minus officium ſuum debito modo exequi poſſent per hoc quod vicecomites brevia originalia & judicialia non returnant per hoc etiam quod ad brevia Regis falſum returnant reſponſum providit Dominus Rex & ordinavit quod illi qui timent maliciam vicecomitis liberent brevia ſua originalia & judicialia in pleno comitatu vel in retro comitatu ubi fit collectio denariorum Domini Regis & capiatur bilettum de vicecomite preſente vel ſubvicecomite in quo biletto contineantur nomina petent' & tenent' que nominantur in brevi & ad requiſitionem illius qui breve liberabit apponatur ſigillum vicecomitis vel ſubvicecomitis in teſtimonium & fiat mentio de die liberationis brevis. Et ſi vicecomes vel ſubvicecomes hujuſmodi billetto ſigilla ſua apponere noluerint capiatur teſtimonium militum & aliorum fide dignorum qui preſentes fuerint qui ſigilla ſua hujuſmodi biletto apponant. Et ſi vicecomes brevia ſibi liberata non returnaverit & ſuper hoc Juſtitiar' querimonia perveniat mandetur per breve de Judicio Juſtitiariis ad aſſiſas capiendas aſſignatis quod inquirant per eos qui preſentes fuerint quando breve vicecomiti liberatum fuit ſi ſciverint de illa liberatione & inquiſitio returnetur Et ſi compertum fuerit per inquiſitionem quod breve fuit ei liberatum adjudicentur petenti vel querenti dampna habito reſpectu ad quantitatem & qualitatem actionis & ad periculum quod ei evenire poſſet per dilationem quam patiebatur Et per iſtam viam fiat remedium quando vicecomes reſpondet quod breve adeo tarde venit quod preceptum Regis exequi non potuit. Multotiens etiam capiunt placita dilationem per hoc quod vicecomites reſpondet quod preceperint ballivis alicujus libertates qui nichil inde fecerunt & nominant libertatis que nunquam returnum brevium habuerunt propter quod ordinavit Dominus Rex quod Theſaurarius de Scaccario liberet in rotulo omnes libertates in quibuſcumque comitatibus que habent returnum brevium. Et ſi

vicecomes

Ex Rot. in Turr. Lond.

vicecomes reſpondeat quod returnum fecit ballivis alterius libertatis quam alicujus contente in predicto rotulo ſtatim puniatur vicecomes tanquam exheredator Domini Regis & Corone ſue. Et ſi forte reſpondeat quod returnavit ballivis alicujus libertatis que veraciter returnum habet mandetur vicecomiti quod non omittat propter predictam libertatem quin exequatur preceptum Domini Regis & quod ſcire faciat ballivis quibus fecit returnum quod ſint ad diem in brevi contentum ad reſpondendum quare de precepto Domini Regis executionem non fecerunt. Et ſi ad diem venerint & ſe acquietent quod returnum brevis eis non fuit factum ſtatim condempnetur vicecomes domino illius libertatis & ſimiliter parti leſe per dilationem in eſtitutionem dampnorum. Et ſi ballivi ad diem non venerint vel venerint & ſupradicto modo ſe non acquietaverint in quolibet brevi de Judicio quam diu durat placitum precipiatur vicecomiti quod non omittat propter libertatem, &c. Multotiens etiam falſum dant reſponſum quoad illum articulum *Quod de exitibus, &c.* mandantes aliquando & mentientes quod nulli ſunt exitus aliquando quod parvi ſunt cum de majoribus reſpondere poſſunt aliquando non facientes mentionem de exitibus propter quod ordinatum eſt & concordatum quod ſi querens petat auditum reſponſionis vicecomitis concedatur ei & ſi offerat verificare quod vicecomes de majoribus exitibus reſpondere potuit fiat ei breve de Judicio ad Juſtitiarios ad aſſiſas capiendas aſſignatos quod inquirant in preſentia vicecomitis ſi intereſſe voluerit de quibus & quantis exitibus vicecomes reſpondere potuit a die receptionis brevis uſque ad diem in brevi contentum. Et cum inquiſitio retornata fuerit ſi de pleno prius non reſpondit oneretur de ſuperpluſagio per extractas liberatas ad ſcaccarium & nichilominus graviter amercietur pro concelamento. Et ſciat vicecomes quod redditus blada in grangia & omnia mobilia preter equitaturam indumenta & utenſilia domus continentur ſub nomine *Exituum.* Precipit Dominus Rex quod vicecomites pro hujuſmodi falſis reſponſis ſemel & iterum ſi ſit neceſſe per Juſtic' caſtigentur Et ſi tertio deliquerint alius non apponat manum quam Dominus Rex. Multotiens etiam dant reſponſum mandando quod non potuerunt proſequi preceptum Regis propter reſiſtentiam poteſtatis alicujus magnatis de quo caveant vicecomites decetero quia hujuſmodi reſponſio multum redundat in dedecus Domini Regis. Et quam cito ballivi ſui teſtificantur quod invenerunt hujuſmodi reſiſtentiam ſtatim omnibus omiſſis aſſumpto ſecum poſſe comitatus ſui eat in propria perſona ad faciendam executionem Et ſi inveniat ſubballivos mendaces puniat eos per priſonam ita quod alii per eorum penam caſtigentur Et ſi inveniat eos veraces caſtiget reſiſtentes per priſonam a qua non deliberentur ſine ſpeciali precepto Domini Regis. Et ſi forte vicecomes cum venerit reſiſtentiam invenerit certificet curiam de nominibus reſiſtentium auxiliantium conſentientium precipientium & fautorum & per breve de Judicio attachientur per corpora ad veniendum ad curiam Et ſi de

‘ hath made Return to a Bailiff of another Liberty
‘ than is contained in the ſaid Roll, the Sheriff ſhall
‘ be forthwith puniſhed as a Diſheritor of our Lord
‘ the King and his Crown. And if peradventure he
‘ return that he hath delivered the Writ to a Bailiff
‘ of ſome Liberty that indeed hath Return, the Sheriff
‘ ſhall be commanded, that he ſhall not ſpare for the
‘ foreſaid Liberty, but ſhall execute the King's Pre-
‘ cept; and that he make known to the Bailiffs, to
‘ whom he returned the Writ, that they be ready at a
‘ Day contained in the Writ, to anſwer why they did
‘ not execute the King's Precept. And if they come
‘ at the Day, and acquit themſelves, that no Return
‘ was made to them, the Sheriff ſhall be forthwith
‘ condemned to the Lord of the ſame Liberty, and
‘ likewiſe to the Party grieved by the Delay, for to
‘ render Damages. And if the Bailiffs come not in at
‘ the Day, or do come, and do not acquit themſelves
‘ in Manner aforeſaid; in every judicial Writ, ſo long
‘ as the Plea hangeth, the Sheriff ſhall be commanded
‘ that he ſhall not ſpare for the Liberty, *&c.* Many
‘ Times alſo Sheriffs make falſe Returns as touching
‘ theſe Articles, *Quod de exitibus, &c.* returning
‘ ſometime, and lying, that there be no Iſſues, ſome-
‘ time that there are ſmall Iſſues, when they may
‘ return great, and ſometime do make mention of no
‘ Iſſues; wherefore it is ordained and agreed, That
‘ if the Plaintiff demand hearing of the Sheriff's
‘ Return, it ſhall be granted him; and if he offer to
‘ aver that the Sheriff might have returned greater
‘ Iſſues unto the King, he ſhall have a Writ judicial
‘ unto the Juſtices aſſigned to take Aſſiſes, that they
‘ ſhall inquire in Preſence of the Sheriff (if he will be
‘ there) of what and how great Iſſues the Sheriff
‘ might have made Return from the Day of the Writ
‘ purchaſed unto the Day contained in the Writ.
‘ And when the Inqueſt is returned, if he have not
‘ afore anſwered for the Whole, he ſhall be charged
‘ with the Overplus by the Extreats of the Juſtices
‘ delivered in the Exchequer, and nevertheleſs ſhall
‘ be grievouſly amerced for the Concealment. And
‘ let the Sheriff know, that Rents, Corn in the Grange,
‘ and all Moveables (except Horſe, Harneſs, and
‘ Houſhold-ſtuff) be contained within the Name of
‘ *Iſſues.* And the King hath commanded, that She-
‘ riffs ſhall be puniſhed by the Juſtices once or twice
‘ (if Need be) for ſuch falſe Returns; and if they
‘ offend the third Time, none ſhall have to do there-
‘ with but the King. They make alſo many Times
‘ falſe Anſwers, returning that they could not exe-
‘ cute the King's Precept for the Reſiſtance of ſome
‘ great Man; wherefore let the Sheriffs beware from
‘ henceforth, for ſuch Manner of Anſwers redound
‘ much to the Diſhonour of the King. And as
‘ ſoon as his Bailiffs do teſtifie that they found ſuch
‘ Reſiſtance, forthwith all Things ſet apart (taking
‘ with him the Power of the Shire) he ſhall go in pro-
‘ per Perſon to do Execution; and if he find his Un-
‘ derbailiffs falſe, he ſhall puniſh them by Impriſon-
‘ ment, ſo that other by their Example may be re-
‘ formed; and if he do find them true, he ſhall puniſh
‘ the Reſiſters by Impriſonment, from whence they
‘ ſhall not be delivered without the King's ſpecial
‘ Commandment. And if percaſe the Sheriff when
‘ he cometh do find Reſiſtance, he ſhall certifie to
‘ the Court the Names of the Reſiſters, Aiders, Con-
‘ ſenters, Commanders, and Favourers, and by a Writ
‘ judicial they ſhall be attached by their Bodies to ap-
‘ pear at the King's Court: And if they be con-
‘ vict

Non omittas propter aliquam libertatem. 11 Ed. 4. f. 4.

The Sheriff's Defaults in returning of Iſſues.

27 H. 8. f. 3. 10 H. 7. f. 11. Fitz. Averment, 16, 26, 43, 45, 47, 48, 49.

What ſhall be accounted Iſſues.

The Sheriff returneth that there was Diſturbance of Execution of Proceſs. Regiſt. 83.

'vict of ſuch Reſiſtance, they ſhall be puniſhed at the 'King's Pleaſure. Neither ſhall any Officer of the 'King's meddle in aſſigning the Puniſhment, for our 'Lord the King hath reſerved it ſpecially to himſelf, 'becauſe that Reſiſters have been reputed Diſturbers 'of his Peace, and of his Realm.'

Ex Rot. in Turr. Lond.

hujuſmodi reſiſtentia convincantur [puniantur] ſecundum quod Domino Regi placuerit. Nec intromittat ſe aliquis miniſter Domini Regis de pena hujuſmodi infligenda quia Dominus Rex hoc ſpecialiter ſibi reſervat pro eo quod hujuſmodi reſiſtentes cenſentur pacis ſue & regni perturbatores.

CAP. XL.

A Woman's Suit ſhall not be deferred by the Minority of the Heir.

Fitz. Age, 47. 76, 126, 138. Fitz. Voucher, 180, 183, 226, 305. Raſt. 139.

'WHere any doth aliene the Right of his Wife, 'it is agreed, That from henceforth the Suit 'of the Woman, or her Heir, after the Death of her 'Huſband, ſhall not be delayed by the Nonage of the 'Heir that ought to warrantiſe, but let the Purchaſer 'tarry, which ought not to have been ignorant that 'he bought the Right of another, until the Age of 'his Warrantor, to have his Warranty.'

2 Inſt. 455. 2 Leon. 148.

CUM quis alienat jus uxoris ſue concordatum eſt quod decetero ſecta mulieris vel ejus heredis non differatur poſt obitum viri per minorem etatem heredis qui warrantizare debet ſed expectet emptor qui ignorare non debuit quod jus alienum emit uſque ad etatem warranti ſui de warrantia ſua habenda.

CAP. XLI.

A *Contra formam Collationis*; and a *Ceſſavit* to recover Lands given in Alms.

Obſ. by 31 *H.* 8. c. 13. *for the Diſſolution of Monaſteries and Abbeys.* 12 Co. 72. 1 Roll 166.

'OUR Lord the King hath ordained, That if Abbots, Priors, Keepers of Hoſpitals, and other religious Houſes founded by him or by his Progenitors, do from henceforth aliene the Lands given to their Houſes by him or by his Progenitors; the Land ſhall be taken into the King's Hands, and holden at his Will, and the Purchaſer ſhall loſe his Recovery as well of the Lands, as of the Money that he paid. And if the Houſe were founded by an Earl, Baron, or other Perſons, for the Lands ſo aliened, he from whom, or from whoſe Anceſtor the Land ſo aliened was given, ſhall have a Writ to recover the ſame Land in Demeſne, which is thus:'

STatuit Dominus Rex quod ſi Abbates Priores Cuſtodes Hoſpitalium & aliarum domorum religioſarum fundatarum ab ipſo vel a progenitoribus ſuis alienaverint decetero tenementa domibus ipſis ab ipſo vel a progenitoribus ſuis collata tenementa illa in manum Domini Regis capiantur & ad voluntatem ſuam teneantur & emptor amittat ſuum recuperare tam de tenementis quam de pecunia quam pacavit. Si autem domus illa a Comitibus Baronibus vel aliis fundata fuerit de tenementis ſic alienatis habeat ille a quo vel a cujus anteceſſore tenementum ſic alienatum collatum fuerit breve ad recuperandum tenementum illud in dominico quod tale eſt:

Cont. form. collat. Regiſt. 238.

II. Præcipe tali abbati, quod juſte, &c. reddat G. F. tale tenementum quod eidem domui collatum fuit in liberam eleemoſynam per predictum G. vel anteceſſores ſuos, & quod ad predictum G. reverti debet per alienationem quam predictus abbas fecit de prædicto tenemento, contra formam collationis prædictæ, ut dicit.

Precipe tali Abbati quod juſte, &c. reddat B. tale tenementum quod eidem domui collatum fuit in liberam elemoſynam per predictum B. vel anteceſſores ſuos & quod ad predictum B. reverti debet per alienationem quam predictus Abbas fecit de predicto tenemento contra formam collationis predicte ut dicit.

Fitz. Brief, 291. Fitz. Ceſſavit, 15, 18, 24, 44.

'III. In like Manner for Lands given for the Maintenance of a Chantery, or of Light in a Church or 'Chapel, or other Alms to be maintained, if the Land 'given be aliened. But if the Land ſo given for 'a Chantery, Light, Suſtenance of poor People, or 'other Alms to be maintained or done, be not aliened, 'but ſuch Alms is withdrawn by the Space of two 'Years, an Action ſhall lie for the Donor or his Heir 'to demand the Land ſo given in demean, as it is or-

St. 6 Ed. 1. c. 4.

'dained in the Statute of *Glouceſter* for Lands leaſed to 'do or to render the fourth Part of the Value of the

11 Co. 63.

'Land, or more.'

Eodem modo de tenemento dato pro Cantaria ſuſtentanda vel luminari in aliqua eccleſia vel Capella vel aliis elemoſinis ſuſtentandis ſi tenementum ſic datum alienatur. Et ſi forte tenementum ſic datum pro Cantaria luminari potura pauperum vel aliis elemoſinis ſuſtentandis vel faciendis non fuerit alienatum ſed ſubtracta fuerit hujuſmodi elemoſina per biennium competat actio donatori vel ejus heredi ad petendum tenementum ſic datum in dominico ſicut ſtatutum eſt in ſtatuto Glouc' de tenementis dimiſſis ad faciendum vel ad reddendum quartam partem valoris tenementi vel majoris.

CAP. XLII.

The ſeveral Fees of Marſhals, Chamberlains, Porters of Juſtices in Eyre, &c.

2 Inſt. 461. The ſeveral Fees of Marſhals, Chamberlains, &c. which have the Office in Fee.

'CConcerning the King's Marſhals of Fee, Chamberlains, Porters in the Circuit of Juſtices and 'Serjeants bearing Vierge before Juſtices at *Weſtminſter*, which have the ſame Office in Fee, and that 'aſk more by Reaſon of their Fee than they have uſed 'to aſk, whereupon many do complain on them, that 'have known and ſeen the Order of the Court of

DE mareſcallis Domini Regis de feodo Camerar' Cuſtod' Hoſtiorum in Itinere Juſtitiariorum & ſervientibus virgam portantibus coram Juſtitiariis apud Weſtm' qui officium illud habent de feodo & qui plus exigunt ratione feodi ſui quam exigere conſueverunt ſecundum quod multi queruntur per eos qui ſtatum Curie a multo tempore viderunt & ſciunt

Ex Rot. in Turr. Lond.

unt Dominus Rex inquiri fecit quem ſtatum predicti miniſtri de feodo habere conſueverunt temporibus retroactis & per inquiſitionem ſtatuit & precepit quod Mareſcallus de feodo qui de novo exigit palefridum de Comitibus Baronibus & aliis per partem Baronie tenentibus quando homagium fecerunt & nichilominus ad militiam eorum alium palefridum & de quibuſdam de quibus palefridum habere non debent palefridum de novo exigunt ordinavit quod predictus Mareſcallus de quolibet Comite & Barone integram Baroniam tenente de unico palefrido ſit contentus vel de pretio quale antiquitus percipere conſueverunt ita quod ſi ad homagium quod fecit palefridum vel pretium ceperit in forma predicta ad malitiam ſuam nichil capiat Et ſi forte ad homagium nichil ceperit ad militiam capiat. De Abbatibus & Prioribus integram Baroniam tenentibus cum homagium aut fidelitatem fecerint pro Baroniis ſuis capiat palefridum vel pretium ut predictum eſt. Hoc idem de archiepiſcopis & epiſcopis eſt obſervandum. De hiis autem qui partem Baronie tenent ſive ſint religioſi ſive ſeculares capiant ſecundum portionem partis Baronie quam tenent. De religioſis tenentibus in liberam elemoſynam & non per Baroniam vel partem Baronie nichil decetero exigat mareſchallus. Et conceſſit Dominus Rex quod per hoc ſtatutum non precludatur mareſcallus ſuus de feodo in plus petendo ſi impoſterum oſtendere poterit quod jus habeat plus petendi. Camerarii Domini Regis habeant decetero de Archiepiſcopis Epiſcopis Abbatibus Prioribus & aliis perſonis eccleſiaſticis Comitibus Baronibus integram Baroniam tenentibus rationabilem finem cum homagium aut fidelitatem pro Baroniis ſuis fecerint Et ſi per partem Baronie teneant capiat rationabilem finem ſecundum portionem ipſos contingentem. Alii vero Abbates & Priores & alii religioſi & ſeculares non tenentes per baroniam vel partem baronie non diſtringantur ad finem faciendum ſecundum quod de tenentibus per baroniam vel partem baronie dictum eſt ſet ſit camerarius de ſuperiori indumento contentus vel de precio indumenti quod plus dictum eſt pro religioſis quam ſecularibus quia honeſtius eſt quod religioſi finem faciant pro ſuperiori indumento quam exuantur.

'long Time; our Lord the King hath cauſed to be enquired by an Inqueſt what the ſaid Officers of Fee have uſed to have in Times paſſed, and hath ordained and commanded, That a Marſhal of Fee, which of new aſketh a Palfray of Earls, Barons, and other holding by a Part of a Barony when they have done Homage, and nevertheleſs another Palfray when they are made Knights, and of ſome that ought not to give any, aſk a Palfray: It is in like Manner ordained, That the ſaid Marſhal of every Earl and Baron, holding by an entire Barony, ſhall be contented with one Palfray, or with the Price of it, ſuch as he hath uſed to have of old; ſo that if he took a Palfray, or the Price of one, at the doing of his Homage in Form aforeſaid, he ſhall take nothing when he is made Knight; and if he took nothing at the doing of his Homage, when he is made Knight he ſhall take. Of Abbots and Priors holding an whole Barony, when they do homage or Fealty for their Baronies, he ſhall take one Palfray, or the Price, as afore is ſaid. And this ſhall alſo be obſerved amongſt Archbiſhops and Biſhops. Of ſuch as hold but a Part of a Barony, whether they be religious or ſecular, he ſhall take according to the Portion of the Part of the Barony that they hold. Of religious Men that hold in free Alms, and not by a Barony, nor Part of a Barony, the Marſhal from henceforth ſhall demand nothing. And our Lord the King hath granted, that by this Statute a Marſhal of Fee ſhall not be barred hereafter to demand more, if he can ſhew that he hath Right unto more. The King's Chamberlains from henceforth ſhall have of Archbiſhops, Biſhops, Abbots, Priors, and other Perſons Spiritual, of Earls and Barons holding an entire Barony, a reaſonable Fine when they do their Homage or Fealty; and if they hold by a Part of a Barony, they ſhall take a reaſonable Fine according to the Portion to them belonging. Other Abbots, Priors, and other Perſons Spiritual and Temporal, that hold no entire Barony, nor Part of a Barony, ſhall not be diſtrained to make Fine, as it is ſaid by them that hold by a Barony, or Part of a Barony, but the Chamberlain ſhall be contented with his upper Garment, or with the Price thereof; which is done in Favour of Perſons religious more than of Lay Perſons; for it is more convenient that religious Men ſhould fine for their upper Garment, than to be ſtripped.'

Religious Men.

The King's Chamberlains.

Obſ. by 12 *Car.* 2. *c.* 24. *and* 31 *H.* 8. *c.* 13.

CAP. XLIII.

Hoſpitallers and Templars ſhall draw no Man into Suit, &c.

PRohibetur decetero Hoſpitelar' & Templar' ne decetero trahant aliquem in placitum coram conſervatoribus privilegiorum ſuorum de aliqua re cujus cognitio ad forum Regium pertineat quod ſi fecerint primo reſtitutis dampnis parti gravate & verſus Regem graviter puniantur. Prohibet etiam Dominus Rex conſervatoribus privilegiorum eorundem ne decetero ad inſtantiam Templariorum Hoſpitelariorum aut aliorum privilegiatorum concedant citationes quouſque ſciverint ſuper qua re fieri debeat citatio. Et ſi viderint hujuſmodi conſervatores quod petatur citatio de aliqua re cujus cognitio ad forum ſpectat regium hujuſmodi conſervatores nec citationem faciant nec cognoſcant.

'BE it prohibited from henceforth to Hoſpitallers and Templars, that hereafter they bring no Man in Plea before the Keepers of their Privileges for any Matter, the Knowledge whereof belongeth to the King's Court; which if they do, firſt, they ſhall yield Damages to the Party grieved, and be grievouſly puniſhed unto the King. The King alſo prohibiteth to the Keepers of ſuch Privileges, that from henceforth they grant no Citations at the Inſtance of Hoſpitallers, Templars, or other Perſons privileged before it be expreſſed upon what Matter the Citation ought to be made. And if the Keepers do ſee that a Citation is required upon any Matter, the Knowledge whereof belongeth to the King's Court, the

2 Inſt. 464. Regiſt. 39. *The Hoſpitallers were an Order of religious Knights inſtituted in the Year* 1118. *The Lands and Goods of theſe Knights were given to the King by* 32 *H.* 8. *c.* 34. *The Templars were another Order of religious Knights inſtituted in the Year* 1119.

and their Order was ſuppreſſed by Clement the Fifth in the Year 1307.

'the Keepers ſhall neither make nor knowledge the Citation. And if the Keepers do otherwiſe, they ſhall yield Damages to the Party grieved, and nevertheleſs ſhall be grievouſly puniſhed by the King. And foraſmuch as ſuch Perſons privileged, depute Keepers, Sub-Priors, Chantors, Sextons, which be religious Men, and which have nothing to ſatisfy the Parties grieved, nor the King; which be more bold to offend the King's Dignity than their Superiors, to whom Puniſhment may be aſſigned by their Temporalties. Let the Prelates of ſuch Obedients therefore beware from henceforth, that they do not ſuffer their Obedients to uſurp any Juriſdiction in Prejudice of the King and his Crown; and if they do, their Superiors ſhall be charged for their Fact, as much as if they had been convict upon their proper Act.'

Obſ. The above Orders no longer ſubſiſting.

Ex Rot. in Turr. Lond.

Et ſi aliter fecerint conſervatores reſpondeant parti leſe de dampnis & nichilominus verſus Regem graviter puniantur. Et quia hujuſmodi privilegiati impetrant conſervatores Subpriores Precentores Sacriſtas viros religioſos qui nichil habent unde leſis aut Domino Regi ſatisfacere poſſint qui audaciores ſunt ad ledendum dignitatem Domini Regis quam eorum ſuperiores quibus per eorum temporalia pena poteſt infligi. Caveant decetero prelati hujuſmodi obedientiariorum ne permittant obedientiarios ſuos aſſumere ſibi juriſdictionem in prejudicium Domini Regis & Corone ſue quod ſi fecerint pro facto ipſorum reſpondeant ſuperiores ſui ac ſi de proprio facto convicti eſſent.

CAP. XLIV.

The Fees of Porters bearing Verges before the Juſtices, and of Cirographers, Clerks, &c.

The Fees of Porters carrying Verges before the Juſtices.
2 Inſt. 467.
3 *Ed.* 1. *c.* 27 & 30.

'CConcerning Porters bearing Verge before Juſtices of the Bench in the Circuit; it is provided, That of every Aſſiſe and Jury that they keep they ſhall take iv *d.* only, and for the Bills nothing. Of ſuch as recover their Demands by Default, Confeſſion, or otherwiſe by Judgement without Aſſiſe and Jury, they ſhall take nothing. Of ſuch as go without Day by Default of the Demandant or Plaintiff, they ſhall take nothing. And if any recover his Demand againſt many by one Writ, and by Recognizance of Aſſiſe or Jury, they ſhall be content with iv *d.* And likewiſe if many named in one Writ do recover by Recognizance of Aſſiſe or Jury, they ſhall be content with iv *d.* Of ſuch as do Homage in the Bench, they ſhall be content with their upper Garment. Of great Aſſiſes, Attaints, Juries, and Battle waged, they ſhall take xii *d.* only. Of ſuch as be called before Juſtices to ſue or to defend their Pleas, they ſhall take nothing for their coming in or forth. At the Pleas of the Crown, for every Dozen xii *d.* only ſhall be taken. Of every Priſoner delivered iv *d.* ſhall be taken. Of every one whoſe Peace is proclaimed xii *d.* only ſhall be taken. Of the Finders of Men ſlain, and others of a Town attached, iv *d.* Of Tythingmen nothing ſhall be taken. Of Cyrographers, for making a Cyrograſe, it is ordained, that they ſhall be contented with iv *s.* Of Clerks writing Writs original and judicial, it is ordained, That for one Writ they ſhall take but i *d.* And the King chargeth all his Juſtices, upon their Faith and Oath that they owe him, that if ſuch Manner of Officers offend in any Article againſt this Statute, and Complaint come to them thereof, they ſhall execute on them reaſonable Puniſhment; and if they offend the ſecond Time, they ſhall award greater Puniſhment, that they may be duly corrected: and if they offend the third Time, and be thereupon convicted, if they be Officers of the Fee, they ſhall leeſe their Fee; and if they be other, they ſhall void the King's Court, and ſhall not be received again, without the ſpecial Grace and Licence of the King himſelf.'

Enforced by 2 H. 4. c. 8. which inflicts Penalties on Chirographers offinding.

Clerks writing original Writs.

St. W. 1. c. 26, 27, 29.

DE cuſtodibus hoſtiorum in Itinere & virgam portantibus coram Juſtitiariis de Banco ordinatum eſt quòd de qualibet aſſiſa & jurata quam cuſtodiunt capiant quatuor denarios tantum de cirographis nichil. De hiis qui recuperent demandas ſuas per defaltam redditionem vel alio modo per judicium ſine aſſiſa & jurata nich. de hiis qui recedunt ſine die per defaltam petentis vel querentis nichil capiant. Et ſi quis recuperavit demandam ſuam verſus plures per unum breve & per recognitionem aſſiſe aut jurate de quatuor denariis ſint contenti. Et ſimiliter in uno brevi nominati per recognitionem aſſiſe vel jurate de quatuor denariis ſint contenti. De hiis qui faciunt homagium in Banco de ſuperiori panno ſint contenti. De magnis aſſiſis attinctis juratis & de duello percuſſo xii. denarii tantum capiantur. De hiis qui vocati ſunt coram Juſtitiariis ad ſequendum vel defendendum placitum ſuum nichil dent pro ingreſſu vel egreſſu. Ad placita Corone de qualibet duodena xii. denar' tantum capiantur. De quolibet priſone deliberato quatuor denarii tantum capiantur. De quolibet cujus pax proclamata fuerit xii. denarii tantum capiantur. De inventoribus vicinis & aliis villatis attach' quatuor hominibus & prepoſito decennar' nichil capiatur. De cirographariis pro cirographo faciendo ſtatutum eſt quod de quatuor ſolidis ſint contenti. De clericis ſcribentibus brevia originalia & judicialia ſtatutum eſt quod pro brevi de denario ſint contenti. Et injungit Dominus Rex omnibus Juſtitiariis ſuis in fide & ſacramento quibus ei tenentur quod ſi hujuſmodi miniſtri contra predictum ſtatutum in aliquo venerint & querimonia ad eos perveniat penam eis infligant rationabilem Et ſi iterum deliquerint majorem penam eis infligant qua caſtigari merito debeant Et ſi tertio deliquerint & ſuper hoc convicti fuerint ſi ſint miniſtri de feodo amittant feodum ſuum ſi alii ſint amittant curiam Regis nec redeant ſine ipſius Regis ſpeciali gratia ſeu precepto.

CAP. XLV.

The Proceſs of Execution of Things recorded within the Year, or after.

Ex Rot. in Turr. Lond.

QUIA de hiis que recordata ſunt coram Cancellario Domini Regis & ejus Juſtitiariis qui recordum habent & in rotulis eorum irrotulata non debet fieri proceſſus placiti per ſummonitionem attachiamentum eſſonium viſus terre & alias ſolempnitates Cur' ſicut fieri conſuevit de contractibus & conventionibus factis extra curiam obſervandum eſt decetero quod ea que inveniuntur irrotulata coram hiis qui recordum habent vel in finibus contenta ſive ſint contractus ſive conventiones ſive obligationes ſive ſervicia aut conſuetudines recognitiones vel alia quecumque irrotulata quibus Curia Regis ſine juris & conſuetudinis offenſa auctoritatem poteſt preſtare talem decetero habeant vigorem quod non ſit neceſſe de hiis impoſterum placitare. Set cum venerint conquerentes ad Curiam Domini Regis ſi recens ſit cognitio vel finis videlicet infra annum in brevi levatus ſtatim habeant breve de executione illius recognitionis facte. Et ſi forte a majori tempore tranſacto facta fuerit illa recognitio vel finis levatus precipiatur vicecomiti quod ſcire faciat parti de qua fit querimonia quod ſit ad certum diem oſtenſura ſi quid ſciat dicere quare hujuſmodi irrotulata vel in fine contenta executionem habere non debeant. Et ſi ad diem non venerit vel forte venerit & nichil ſciat dicere quare executio fieri non debeat precipiatur vicecomiti quod rem irrotulatam vel in fine contentam exequi faciat. Eodem modo mandetur ordinario in ſuo caſu obſervato nichilominus quod ſupradictum eſt de medio qui per recognitionem aut judicium obligatus eſt ad acquietandum.

" BEcauſe that of ſuch Things as be recorded before the Chancellor and the Juſtices of the King that have Record, and be inrolled in their Rolls, Proceſs of Plea ought not to be made by Summons, Attachments, Eſſoin, View of Land, and other Solemnities of the Court, as hath been uſed to be done of Bargains and Covenants made out of the Court;" 'from henceforth it is to be obſerved, That thoſe Things which are found inrolled before them that have Record, or contained in Fines, whether they be Contracts, Covenants, Obligations, Services, or Cuſtoms knowledged, or other Things whatſoever inrolled, wherein the King's Court, without Offence of the Law and Cuſtom, may execute their Authority, from henceforth they ſhall have ſuch Vigour, that hereafter it ſhall not need to plead for them. But when the Plaintiff cometh to the King's Court, if the Recogniſance or Fine levied be freſh, that is to ſay, levied within the Year, he ſhall forthwith have a Writ of Execution of the ſame Recogniſance made. And if the Recogniſance were made, or the Fine levied of a further Time paſſed, the Sheriff ſhall be commanded, that he give Knowledge to the Party of whom it is complained, that he be afore the Juſtices at a certain Day, to ſhew if he have any Thing to ſay why ſuch Matters inrolled or contained in the Fine ought not to have Execution. And if he do not come at the Day, or peradventure do come, and can ſay nothing why Execution ought not to be done, the Sheriff ſhall be commanded to cauſe the Thing inrolled or contained in the Fine to be executed. In like Manner, an Ordinary ſhall be commanded in his Caſe, obſerving nevertheleſs as before is ſaid of a Mean, which by Recogniſance or Judgement is bound to acquit.'

Fleta 2. c. 13. p. 76. ſect. 9. Co. Lit. 131. a. 2 Inſt. 469. Bro. Debt. 10. Bro. Parl. 29. Fitz. Scire fac' 1, 2, 3, 8, 12, &c. Fitz. Execut. 18, 35, 57, 96, 100. Cro. El. 164.

There ſhall be no Delays in thoſe Things that be recorded.

Execution of Things recorded.

A Scire facias after the Year.

Ordinary.

A Mean. 13 Ed. 1. ſtat. 3. c. 9.

CAP. XLVI.

Lords may approve againſt their Neighbours. Uſurpation of Commons during the Eſtate of particular Tenants.

CUM in ſtatuto edito apud Merton conceſſum fuerit quod domini boſcorum vaſtorum & paſturarum appruare ſe poſſent de boſcis vaſtis & paſturis illis non obſtante contradictione tenentium ſuorum dummodo tenentes ipſi haberent ſufficientem paſturam ad tenementa ſua cum libero ingreſſu & egreſſu ad eandem & pro eo quod nulla fiebat mentio inter vicinum & vicinum multi domini boſcorum vaſtorum & paſturarum hucuſque impediti extiterunt per contradictionem vicinorum ſufficientem paſturam habentium Et quia forinſeci tenentes non habent majus jus communicandi in boſco vaſto aut paſtura alicujus domini quam proprii tenentes ipſius domini ſtatutum eſt decetero quod ſtatutum apud Merton proviſum inter dominum & tenentes ſuos locum habeat decetero inter dominos boſcorum vaſtorum & paſturarum & vicinos ita quod domini hujuſmodi vaſtorum boſcorum & paſturarum ſalve ſufficienti paſtura hominibus ſuis & vicinis appruare ſe poſſint de reſiduo. Et hoc obſervetur de hiis qui clamant paſturam tanquam pertinentem ad tenementa ſua. Sed ſi quis clamat

" WHereas in a Statute made at *Merton* it was granted that Lords of Waſtes, Woods, and Paſtures, might approve the ſaid Waſtes, Woods, and Paſtures, notwithſtanding the Contradiction of their Tenants, ſo that the Tenants had ſufficient Paſture to their Tenements with free Egreſs and Regreſs to the ſame: And foraſmuch as no Mention was made between Neighbours and Neighbours, many Lords of Waſtes, Woods, and Paſtures, have been hindered heretofore by the Contradiction of Neighbours having ſufficient Paſture: And becauſe foreign Tenants have no more Right to Common in the Waſtes, Woods, or Paſtures of any Lord than the Lord's own Tenants;" 'it is ordained, That the Statute of *Merton*, provided between the Lord and his Tenants, from henceforth ſhall hold Place between Lords of Waſtes, Woods, and Paſtures, and their Neighbours, ſaving ſufficient Paſture to their Tenants and Neighbours, ſo that the Lords of ſuch Waſtes, Woods, and Paſtures, may make Approvement of the Reſidue. And this ſhall be obſerved for ſuch as claim Paſture as appur-

1 Roll 365. 2 Inſt. 473. 20 H. 3. Stat. 1. c. 4. 11 Co. 74. 4 Co. 38. 13 H. 7. f. 13. Dyer 47, 316, 339. Cro. Car. 281, 440, 580.

Lords may approve againſt their Neighbours, leaving them ſufficient Common.

Enforced by 3 & 4 Ed. 6. c. 3.

tenant

'tenant to their Tenements. But if any do claim 'Common by ſpecial Feoffment or Grant for a certain 'Number of Beaſts, or otherwiſe which he ought to 'have of common Right, whereas Covenant barreth 'the Law, he ſhall have ſuch Recovery as he ought 'to have had by Form of the Grant made unto him. 'By occaſion of a Windmill, Sheepcote, Deyry, 'enlarging of a Court neceſſary, or Courtelage, from 'henceforth no Man ſhall be grieved by Aſſiſe of *Novel diſſeiſin* for Common of Paſture. And where 'ſometime it chanceth, that one having Right to ap-'prove, doth then levy a Dyke or an Hedge, and 'ſome by Night, or at another Seaſon, when they 'ſuppoſe not to be eſpied, do overthrow the Hedge or 'Dyke, and it cannot be known by Verdict of the 'Aſſiſe or Jury, who did overthrow the Hedge or 'Dyke, and Men of the Towns near will not indict 'ſuch as be guilty of the Fact, the Towns near 'adjoining ſhall be deſtrained to levy the Hedge or 'Dyke at their own Coſt, and to yield Damages. 'And where one, having no Right to Common, 'uſurpeth Common what Time an Heir is within 'Age, or a Woman is covert, or while the Paſture is 'in the Hands of Tenants in Dower, by the Courteſy, 'or otherwiſe for Term of Life, or Years, or in Fee-'tail, and have long Time uſed the Paſture, many 'hold Opinion, that ſuch Paſtures ought to be ſaid 'to belong to the Freehold, and that the Poſſeſſor 'ought to have Action by a Writ of *Novel diſſeiſin*, if 'he be deforced of ſuch Paſture; but from hence-'forth this muſt be holden, that ſuch as have entered 'within the Time that an Aſſiſe of *Mortdaunceſter* 'hath lien, if they had no Common before, ſhall 'have no Recovery by a Writ of *Novel diſſeiſin*, if 'they be deforced.'

7 H. 4. f. 38. Skinner 93.

For what Cauſe one may approve.
A Ditch or Hedge of Ground approved caſt down.
By 6 Geo. 1. c. 16. ſect 1. the Remedy of the Act is extended to the Deſtroyers of Trees, &c. by Night or Day, &c.
Uſurpation of Common during the Eſtate of particular Tenants.
1 Lutw. 141, 156.

See 1 Geo. 1. ſtat. 2. c. 48. *for the Preſervation of Timber.*

Ex Rot. in Turr. Lond.

communam per ſpeciale feoffamentum vel conceſſionem ad certum numerum averiorum vel alio modo quam de jure communi habere deberet cum conventio legi deroget habeat ſuum recuperare quale habere deberet per formam conceſſionis ſibi facte Occaſione molendini ventritii bercar' vaccar' augmentationis cur' neceſſar' aut curtilag' decetero non gravetur quis per aſſiſam Nove diſſeiſine de communa paſture. Et cum contingat aliquando quod aliquis jus habens appruare ſe foſſatum aut ſepem levaverit & aliqui noctanter vel alio tali tempore quo non credant factum ſuum ſciri foſſatum vel ſepem proſtraverint nec ſciri poterit per veredictum aſſiſe aut jurate qui foſſatum aut ſepem proſtraverint nec velint homines de villatis vicinis indictare de hujuſmodi facto culpabiles diſtringantur propinque villate circumadjacentes levare foſſatum aut ſepem ad cuſtum proprium & dampno reſtituere. Et cum aliquis jus non habens communicandi uſurpet communam tempore quo heredes extiterint infra etatem vel uxores ſub poteſtate virorum ſuorum exiſtentes vel paſtura ſit in manu tenentium in dotem per legem Anglie vel aliter ad terminum vite vel annorum vel per feodum talliatum & paſtura illa diu uſi fuerint multi ſunt in opinione quod hujuſmodi paſture debent dici pertinere ad liberum tenementum & quod hujuſmodi poſſeſſori competere debet actio per breve Nove diſſeiſine ſi hujuſmodi paſtura deforcietur ſed decetero tenendum eſt quod habentes hujuſmodi ingreſſum a tempore quo currit breve mortis anteceſſores ſi antea communam non habuerunt non habeant recuperare per breve nove diſſeiſine ſi fuerint deforciati.

Explained and amended by 6 Geo. 1. c. 16. above mentioned. By 29 Geo. 1. c. 36. Commons may be incloſed, for planting Timber, with Conſent of Lords and Tenants.

CAP. XLVII.

A Penalty for taking of Salmons at certain Times of the Year.

2 Inſt. 477.

'IT is provided, That the Waters of *Humber*, *Owſe*, *Trent*, *Done*, *Arre*, *Derewent*, *Wherfe*, *Nid*, *Yore*, *Swale*, *Teſe*, and all other Waters (wherein 'Salmons be taken within the Kingdom,) ſhall be 'in Defence for taking Salmons from the Nativity 'of our Lady unto St. *Martin*'s Day; and that like-'wiſe young Salmons ſhall not be taken nor de-'ſtroyed by Nets, nor by other Engines, at Millpools, 'from the midſt of *April* unto the Nativity of St. '*John Baptiſt*. And in Places where ſuch Rivers be, 'there ſhall be aſſigned Overſeers of this Statute, 'which being ſworn, ſhall oftentimes ſee and inquire 'of the Offenders; and for the firſt Treſpaſs, they 'ſhall be puniſhed by burning of their Nets and 'Engines; and for the ſecond Time, they ſhall have 'Impriſonment for a Quarter of a Year; and for 'the third Treſpaſs, they ſhall be impriſoned a 'whole Year; and as their Treſpaſs increaſeth, ſo 'ſhall the Puniſhment.'

Confirmed by 13 R. 2. ſtat. 1. c. 19. *And* 17 R. 2. c. 9. *appointing Juſtices of the Peace Conſervators.*
See Index, tit. Fiſh, Salmon.

PRoviſum eſt quod aque de Humbre Ouſe Trente Doon Eyre Derewent Werf Nid Yore Swale Teſe & omnes alie aque in quibus ſalmones capiuntur in Regno ponantur in defenſo quo ad ſalmones capiendos a die Nativitatis beate Marie uſque ad diem ſancti Martini et ſimiliter quod ſalmunculi non capiantur nec deſtruantur per retli vel per aliqua ingenia ad ſtagna molend' a medio Aprilis uſque ad Nativitatem beati Johannis Baptiſte. Et in partibus ubi hujuſmodi riparie fuerint aſſignentur conſervatores iſtius ſtatuti qui ad hoc jurati ſepius videant & inquirant de tranſgreſſoribus. Et in prima tranſgreſſione puniantur per combuſtionem retium & ingeniorum ſuorum Et ſi iterato deliquerint puniantur per priſonam quarterii unius anni Et ſi tertio deliquerint puniantur per priſonam unius anni & ſic multiplicata tranſgreſſione creſcet pene inflictio.

CAP.

CAP. XLVIII.

In what Caſes the View of Land is grantable, and what not.

Ex Rot. in Turr. Lond.

DE viſu terre ordinatum eſt & ſtatutum quod decetero non concedatur viſus niſi in caſu quando viſus terre eſt neceſſarius ſicuti ſi aliquis amittat tenementum per defaltam & ille qui amiſit ſuſcitet aliud breve ad petendum idem tenementum. Et in caſu quando quis per aliquam exceptionem dilatoriam caſſat breve poſt viſum terre ſicut per non tenuram vel male nominando villam vel hujuſmodi ſi ſuſcitet aliud breve in hoc caſu & ſuperiori decetero non concedatur viſus terre dummodo habuerit in prioribus brevibus. In brevi de dote cum petitur dos de tenemento quod vir uxor' alienavit tenenti vel ejus anteceſſori cum ignorare non debeat tenens quale tenementum vir uxoris alienavit ſibi vel anteceſſori ſuo licet vir non obierit ſeiſitus nichilominus tenenti decetero non erit viſus concedendus. In brevi etiam de ingreſſu caſſato per hoc quod petens male nominavit ingreſſum ſi petens ſuſcitet aliud breve de aliquo Ingreſſu ſi tenens in priori brevi habuit viſum in ſecundo non habebit. In omnibus etiam brevibus per que tenementa petuntur ratione dimiſſionis quam petens vel ejus anteceſſor fecit tenenti & non anteceſſori ſicuti quod ei dimiſit dum fuit infra etatem non compos mentis in priſona & ſimilibus non jaceat decetero viſus ſed ſi dimiſſio facta fuerit anteceſſori jaceat decetero viſus ſicut prius.

'FOR View of Land it is ordained and provided, That from henceforth View ſhall not be granted but in caſe when View of Land is neceſſary: As if one loſe Land by Default, and he that loſeth, moveth a Writ to demand the ſame Land. And in caſe when one by an Exception dilatory abateth a Writ after the View of the Land, as by Non-tenure, or miſnaming of the Town, or ſuch like, if he purchaſe another Writ, in this Caſe, and in the Caſe before mentioned, from henceforth the View ſhall not be granted, if he had View in the firſt Writs. In a Writ of Dower, where the Dower in Demand is of Land that the Huſband aliened to the Tenant or his Anceſtors, where the Tenant ought not to be ignorant what Land the Huſband did aliene to him or his Anceſtor, though the Huſband died not ſeiſed, yet from henceforth View ſhall not be granted to the Tenant. In a Writ of Entre alſo, that is abated becauſe the Demandant miſnamed the Entre, if the Demandant purchaſe another Writ of Entre, if the Tenant had View in the firſt Writ, he ſhall not have it in the ſecond. In all Writs alſo where Lands be demanded by reaſon of a Leaſe made by the Demandant, or his Anceſtor, unto the Tenant, and not to his Anceſtor, as that which he leaſed to him, being within Age, not whole of Mind, being in Priſon, and ſuch like, View ſhall not be granted hereafter; but if the Demiſe were made to his Anceſtor, the View ſhall lie as it hath done before.'

Fitz. View, 50, 51, 57, 129, 118. Fitz. View, 1, 2, 5, 24, 41, 49, 69, 102, 118, 119. 10 H. 7. f. 8. 2 Inſt. 479.

CAP. XLIX.

The Penalty for buying the Title of Land depending in Suit. A Remedy for Suits where the Law faileth.

Ex Cotton *MS. Veſpaſ.* B. 7. *fol.* 39.

LE Chaunceller Treſorer ne Juſtice ne nul Counſeil le Roy ne clerc del Eſcheqier ne de Juſtice ne de autre Miniſtre ne nul del hoſtiel le Roy clerc ne lay ne puiſſe reſceivere eſgliſe ne avowſon de eſgliſe ne terre ne tenement nen fee ne par donn ne par achat ne a ferme ne a champert ne en autre manere tant come la choſe eſt en plee devant le Roy ou devant nul de cez Miniſtrez ne nul lower nen ſoit pris et qe contra ceſtez choſez face ou per luy ou per autre ou nul bargain face ſoit puny a la voluntee le Roy auxibien celluy qe le purchacera come celluy qi le fra.

'THE Chancellor, Treaſurer, Juſtices, nor any of the King's Counſel, no Clerk of the Chancery, nor of the Exchequer, nor of any Juſtice or other Officer, nor any of the King's Houſe, Clerk ne Lay, ſhall not receive any Church, nor Advowſon of a Church, Land, nor Tenement in Fee, by Gift, nor by Purchaſe, nor to Farm, nor by Champerty, nor otherwiſe, ſo long as the Thing is in Plea before us, or before any of our Officers; nor ſhall take no Reward thereof. And he that doth contrary to this Act, either himſelf, or by another, or make any Bargain, ſhall be puniſhed at the King's Pleaſure, as well he that purchaſeth, as he that doth ſell.'

Fitz. Champerty, 1, 5, 6, 8, 12, 14, 15. Hob. 117. 3 Ed. 1. c. 25. 28 & 33. *Enforced by* 28 Ed. 1. *ſtat.* 3. c. 11. Regiſt. 182, 183. Raſt. 119.

See farther 33 Ed. 1. ſtat. 2. *Bracery and buying*

& 3. 1 Ed. 3. ſtat. 2. c. 14. 4 Ed. 3. c. 11. 20 Ed. 3. c. 4. 1 R. 2. c. 4. againſt Maintenance and Champerty; and 32 H. 8. c. 9. againſt ing of Titles, which farther enforces the Statutes againſt Maintenance and Champerty.

CAP. L.

No Man ſhall depart from the King's Court without Remedy.

Ex Rot. in Turr. Lond.

OMnia predicta ſtatuta incipiant conſervari ad feſtum ſancti Michaelis proximo futurum ita quod occaſione delictorum contra aliquod predictorum ſtatutorum citra predictum feſtum perpetratorum pena delinquentibus de quibus mentio fit in

'ALL the ſaid Statutes ſhall take Effect at the Feaſt of St. *Michael* next coming, ſo that by occaſion of any Offence done on this Side the ſaid Feaſt, contrary to any of theſe Statutes, no Puniſhment (mention whereof is made within theſe Sta-

'tutes) ſhall be executed upon the Offenders. Moreover, concerning the Statutes provided where the Law faileth, and for Remedies, leſt Suitors coming to the King's Court ſhould depart from thence without Remedy, they ſhall have Writs provided in their Caſes, but they ſhall not be pleaded until the Feaſt of St. *Michael* aforeſaid.'

Ex Rot. in Turr. Lond.
ſtatutis non infligatur. Super vero ſtatutis in defectum legis & ad remedia editis ne diutius querentes cum ad curiam venerint recedant de remedio deſperati habeant brevia ſua in ſuo caſu proviſa ſet non placitentur uſque ad predictum feſtum ſancti Michaelis.

STATUTUM WYNTON, A° 13 Ed. I.

The Statute of WINCHESTER, *made* 8 Die Octobris, Anno 13 EDW. I. *Stat.* 2. *and* Anno Dom. 1285.

CAP. I.

Freſh Suit ſhall be made after Felons and Robbers from Town to Town, &c.

3 Inſt. 197.
3 Ed. 1. c. 9.
1 Vent. 118.

"FOraſmuch as from Day to Day, Robberies, Murthers, Burnings, and Theft, be more often uſed than they have been heretofore, and Felons cannot be attainted by the Oath of Jurors, which had rather ſuffer Strangers to be robbed, and ſo paſs without Pain, than to indite the Offenders, of whom great Part be People of the ſame Country, or at the leaſt, if the Offenders be of another Country, the Receivers be of Places near; and they do the ſame, becauſe an Oath is not given unto Jurors of the ſame Country where ſuch Felonies were done, and to the Reſtitution of Damages hitherto no Pain hath been limited for their Concealment and Laches:" 'Our Lord the King, for to abate the Power of Felons, hath eſtabliſhed a Pain in this Caſe, ſo that from henceforth, for fear of the Pain more than for Fear of any Oath, they ſhall not ſpare any, nor conceal any Felonies; and doth command, That Cries ſhall be ſolemnly made in all Counties, Hundreds, Markets, Fairs, and all other Places where great Reſort of People is, ſo that none ſhall excuſe himſelf by Ignorance, that from henceforth every Country be ſo well kept, that immediately, upon ſuch Robberies and Felonies committed, freſh Suit ſhall be made from Town to Town, and from Country to Country.'

Dyer 370.
Co. pla. 348, 351.
Raſt. 406.

Ex Rot. in Turr. Lond. *m.* 41.
PUR ceo qe de jour en jour roberies [*felonies*] homicides arſines plus ſovenerement ſunt fetes qe avaunt ne ſoleyent e felones ne pount eſtre ateintz par ſerment de jururs qi plus volunters ſufferent felonies fetes as eſtraunges genz paſſer ſaunz peynes qe enditer meffeſſours dunt graunt parties ſunt gent de meſmes la pais ou ameyns ſi les feſſours ſont doutre pais lour recetturs ſunt del viſne e ceo funt ils per taunt qe ſerment neſt mie hore ditte as jururs ne au pays ou les felonies furent fetes quant a reſtitucion des damages payne avant ne fu purveu pur lur concelement e lur lacheſce noſtre Seignur le Rey pur abatre le poer de feluns ſi eſtablit peyne en ceu cas iſſi qe par paour de la peyne plus qe par paour de ſerement a nuli deſoremes ne eſparnient ne nule felonie ne concelent E comand que ſolempnement ſeit la criee fate en tuz cuntees hundrez marchez feyres e tuz autres leues ou ſolempne aſſemble des gentz ſera iſſi qe nul par ignoraunce ſe puſſe eſcuſer qe cheſcun pays iſſi deſoremes ſeit garde qe meintenant apres roberies e felonies fetes ſeit fete ſi freſche ſute de ville en ville & de pays en pays.

Enforced by 28 *Ed.* 3. *c.* 11. *and* 7 *R.* 2. *c.* 6. *Amended by* 27 El. c. 13. *And* 39 *El. c.* 25. *See Index, tit.* Hue and Cry.

CAP. II.

Inquiry of Felons and Robbers, and the Country ſhall anſwer if they be not taken.

The Country ſhall anſwer for Robbers and Felons, if they e not apprehended.
Latch 127.
Amended by 27 El. c. 13.
Raſt. 406.
39 El. c. 25.
Cro. El. 142, 270, 753.
Bro. Debt, 103.
Goldſb. 58, 16.

'LIkewiſe, when Need requires, Inqueſts ſhall be made in Towns, by him that is Lord of the Town, and after in the Hundred, and in the Franchiſe, and in the County, and ſometime in two, three, or Four Counties, in caſe when Felonies ſhall be committed in the Marches of Shires, ſo that the Offenders may be attainted. And if the Country will not anſwer for the Bodies of ſuch Manner of Offenders, the Pain ſhall be ſuch, that every County, that is to wit, the People dwelling in the County, ſhall be anſwerable for the Robberies done, and alſo the Damages; ſo that the whole Hundred

ET enqueſtes enſement ſeient fetes ſi meſter eſt en viles par celui qi ſoverein eſt de la vile e pus en hundrez e en fraunchiſes e en cunteez e au trefois en deux trois ou en quatre cunteez en cas quaunt felonies ſerunt fetes en marche de cuntez iſſi qe meffeſours puſent eſtre ateinz. E ſi le pais de tels manere de mefeſours ne reſpoigne le payne ſerra tiel qe cheſcun pays ceſt aſaver genz en pais demoraunz reſpoignent de roberies fetes e de damages iſſi qe tut le hundred ou la roberie ſerra fete

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Ex Rot. in Turr. Lond.

ove les fraunchiſes qe ſunt dedeins le preceynt de meiſme la hundred reſpoignent de roberie fete. E ſi la roberie ſeit fete en deviſes dedenz hundrez reſpoignent ambedeus les hundrez enſemblement ove les fraunchiſes e plus long terme né avera le pais apres la roberie e felonie fete qe xl. jours dedenz les quels il covendra qil facent gre de la roberie e du mefet ou qil reſpoignent de cors de mefeſurs.

'where the Robbery ſhall be done, with the Franchiſes being within the Precinct of the ſame Hundred, ſhall be anſwerable for the Robberies done. And if the Robbery be done in the Diviſion of two Hundreds, both the Hundreds and the Franchiſes within them ſhall be anſwerable. And after that the Felony or Robbery is done, the Country ſhall have no longer Space than forty Days, within which forty Days it ſhall behove them to agree for the Robbery or Offence, or elſe that they will anſwer for the Bodies of the Offenders.'

7 Co. 6. 2 Inſt. 569. By 27 El. c. 13. ſ. 2. the Hundred where freſh Suit is not made ſhall anſwer half the Damages. A Robbery done in the Diviſion of Shires. 1 Sid. 11. The Country ſhall have but 40 Days.

28 Ed. 3. c. 11. Cro. Jac. 106, 187, 350, 496. Cro. Car. 37. *See* St. 8 G. 2. c. 16. *giving Directions for Purſuit of Hue and Cry.* 22 G. 2. c. 24. *which amends the former, and Index.*

CAP. III.

This Act ſhall be reſpited until *Eaſter* next.

E Pur ceo que le Rey ne voet pas qe gent ſodeinement ſeient eſpoveri de ceſte peyne qe ſemblereit dure a aucune gent graunte qe le ne ſeit mie meintenaunt encorue mes preigne la peyne reſpit deqes a la Paſke procheine venaunt e dedenz cel terme verra le rey coment le pais ſe portera e ſi ceſſerunt teles roberies e felonies. Apres quel terme tuz ſeient certeinz qe lavaundite payne curra generaument ceo eſt aſaver qe cheſcun vile ceo eſt aſaver genz el pais demoraunz reſpoignent des roberies e felonies fetes en lur pais.

"AND foraſmuch as the King will not that his "People ſhould be ſuddenly impoveriſhed by "reaſon of this Penalty, that ſeemeth very hard to "many;" 'the King granteth, That they ſhall not incur immediately, but it ſhall be reſpited until *Eaſter* next following, within which Time the King may ſee how the Country will order themſelves, and whether ſuch Felonies and Robberies do ceaſe. After which Term let them all be aſſured, that the foreſaid Penalty ſhall run generally, that is to ſay, every Country, that is to wit, the People in the Country, ſhall be anſwerable for Felonies and Robberies done among them.'

CAP. IV.

At what Times the Gates of great Towns ſhall be ſhut, and when the Night-Watch ſhall begin and end.

E A plus ſeurer le pais ad le rey comaunde qe en les graunz viles qe ſunt cloſes les portes ſeient fermes del ſolail reſcuſe deqes au ſolail levaunt e quel nul home ne herberge en ſuburbe ne enforein chiefs de la vile ſi de jour noun ne uncore de jour ſi le hoſte ne voille pur lui reſpundre. E les baillifs de viles cheſcune ſemeine ou ameins quinzeime facent enqueſtes de genz herbergez en ſuburbes ou enforeines chefs de viles. E ſil trovent nul herbergour qe reſceive ou herberge en autre manere gent dunt ſuſpeciun ſeit qil ſoient gent countre la pes ſi en facent les baillifs dreiture. E deſoremes eſt comaunde qe veylles ſoient fetes iſſi cum aunciene-menz ſoleyent eſtre ceo eſt aſaver del jour de la Aſcenciun deqes le jour ſeint Michel en cheſcun cite ſis homes en cheſcune porte en cheſcun burgh par xii. homes en cheſcune vile en terre par vi. homes ou iiij. ſolon numbre des genz qi enhabitent e facent la veille continuelment tute la nuit del ſolail reſcuſſe jeqes al ſolail levaunt. E ſi nul eſtraunge paſſe par eus ſeit areſtu jeqes au matin e ſi nule ſuſpeciun ne ſeit trove aille quites. E ſi om trove ſupeciun ſeit livere al viſcunte maintenaunt e ſaunz daunger le receive e ſauvement le garde jeqes ataunt qe en due manere ſeit delivre. E ſi eus ne ſe ſoeffrent pas eſtre areſteuz ſeit heu e cri leve ſur eus e ceus qi ſunt la veille les ſiwent o

'AND for the more Surety of the Country, the King hath commanded, that in great Towns, being walled, the Gates ſhall be cloſed from the Sun-ſetting until the Sun-riſing; and that no Man do lodge in Suburbs, nor in any Place out of the Town, from Nine of the Clock until Day, without his Hoſt will anſwer for him. And the Bailiffs of Towns every Week, or at the leaſt every Fifteenth Day, ſhall make Inquiry of all Perſons being lodged in the Suburbs, or in foreign Places of the Towns. And if they do find any that have lodged or received any Strangers or ſuſpicious Perſon, againſt the Peace, the Bailiffs ſhall do Right therein. And the King commandeth, That from henceforth Watches be kept as it hath been uſed in Times paſſed, that is to wit, from the Day of the Aſcenſion unto the Day of St. *Michael*, in every City Six Men ſhall keep at every Gate, in every Borough Twelve Men, every Town Six or Four, according to the Number of the Inhabitants of the Town, and ſhall watch the Town continually all Night, from the Sun-ſetting unto the Sun-riſing. And if any Stranger do paſs by them, he ſhall be arreſted until Morning; and if no Suſpicion be found, he ſhall go quit; and if they find Cauſe of Suſpicion, they ſhall forthwith deliver him to the Sheriff, and the Sheriff may receive him without Damage, and ſhall keep him ſafely, until he be acquitted in due Manner. And if they will not obey the Arreſt, they ſhall levy Hue and Cry upon them, and ſuch as keep the Watch ſhall follow with Hue and Cry with all the Town, and

At what Time great Towns ſhall be opened and ſhut. 7 Co. 7.

At what Time the Night-watch ſhall begin and end. *Enforced and amended by* 5 Ed. 3. c. 14. Cro. El. 204. Savil 83.

How they ſhall be uſed who diſobey Arreſts.

'and the Towns near, and ſo Hue and Cry ſhall be made from Town to Town, until that they be taken and delivered to the Sheriff, as before is ſaid; and for the Arreſtments of ſuch Strangers none ſhall be puniſhed.'

Ex Rot. in Turr. Lond.

tute la viles ove les viſnees viles o heu e crid evile en vile jeqes taunt qil ſerra pris e livrez au viſcunte cum eſt avauntdit e pur le areſterment de tels eſtraunges nul ne ſeit encheſune.

Confirmed by 5 H. 4. c. 3. *which orders farther that Watches ſhall be upon the Sea Coaſt.*

CAP. V.

The Breadth of Highways leading from one Market-Town to another.

Highways in Market-Towns ſhall be inlarged.

'AND further it is commanded, That Highways leading from one Market-Town to another ſhall be enlarged, where Buſhes, Woods, or Dykes be, ſo that there be neither Dyke, Underwood, nor Buſh, whereby a Man may lurk to do hurt, within Two Hundred Foot of the one Side, and Two Hundred Foot of the other Side of the Way, ſo that this Statute ſhall not extend unto Aſhes, nor unto great Trees, ſo as it be clear underneath. And if by Default of the Lord that will not abate the Dyke, Underwood, or Buſhes, in the Manner aforeſaid, any Robberies be done therein, the Lord ſhall be anſwerable for the Felony; and if Murther be done, the Lord ſhall make a Fine at the King's Pleaſure. And if the Lord be not able to fell the Underwoods, the Country ſhall aid him therein. And the King willeth, that in his demean Lands and Woods within his Foreſt and without, the Ways ſhall be enlarged, as before is ſaid. And if percaſe a Park be near the Highway, it is requiſite that the Lord ſhall ſet his Park the Space of Two Hundred Foot from the Highways, as before is ſaid, or that he make ſuch a Wall, Dyke, or Hedge, that Offenders may not paſs, ne return to do evil.'

A Park near unto the High way. *See Index, tit.* Highways.

COmaunde eſt enſement qe les hauts chemins des viles marchaundes as autres viles marchaundes ſeient enlargiz la ou il y ad bois ou haies ou foſſez iſſi qil ne eit foſſe ſuthboys ou buſſuns ou lem peut taper pur mal fere pres del chemin de deus centz pez de une part e de deus centz pez de autre part iſſi qe cet eſtatut point ne eſtende as keynes ne as gros fuſz par quei ceo ſeit cler deſouz. E ſi par defaute de ſeignur qi ne vodra foſſe ſubois ou buſſuns en la furme avaundite abatre e roberies feient fetes ſi reſpoygne le ſeignur e ſil y eyt murdre ſi ſeit le ſeignur reint a la volunte le rey. E ſi le ſeignur ne ſuffiſt a ſuzbois abatres ſi lui aide le pais a ceo fere. E le rei veut qe en ſes demeines terres e boys dedenz foreſte e dehors ſeient les chemins enlargiz cum avaunt eſt dit. E ſi par cas park ſeit pres del haut chemin ſi convendra qe le ſeignur del park amenuſe ſun park jeqes ataunt qil jovt la leeſte de deus centz poz pres del haut chemin cum avaunt eſt dit ou qe il face tel mur foſſe ou haye qe meffeſurs ne puſſent paſſer ne returner pur mal fere.

CAP. VI.

That View of Arms be made. Hue and Cry ſhall be followed. Fairs or Markets ſhall not be kept in Church-yards.

'AND further it is commanded, That every Man have in his Houſe Harneſs for to keep the Peace after the ancient Aſſiſe; that is to ſay, Every Man between Fifteen Years of Age, and Sixty Years, ſhall be aſſeſſed and ſworn to Armor according to the Quantity of their Lands and Goods; that is to wit, From Fifteen Pounds Lands, and Goods Forty Marks, an Hauberke, a Breaſt-plate of Iron, a Sword, a Knife, and an Horſe; and from Ten Pounds of Lands, and Twenty Marks Goods, an Hauberke, a Breaſt-plate of Iron, a Sword, and a Knife; and from Five Pound Lands, a Doublet, a Breaſt-plate of Iron, a Sword, and a Knife; and from Forty Shillings Land, and more, unto One Hundred Shillings of Land, a Sword, a Bow and Arrows, and a Knife; and he that hath leſs than Forty Shillings yearly, ſhall be ſworn to keep Giſ-arms, Knives, and other leſs Weapons; and he that hath leſs than Twenty Marks in Goods, ſhall have Swords, Knives, and other leſs Weapons; and all other that may ſhall have Bows and Arrows out of the Foreſt, and in the Foreſt Bows and Boults. And that View of Armor be made every Year Two Times.

COmmaunde eſt enſement qe cheſcun home eit en ſa meſun armure pur la pees garder ſolum la aunciene aſſiſe ceo eſt aſaver qe cheſcun home entre quinze annz & ſeiſaunte ſoit aſſis e jure as armes ſolum la quantite de lur terres e de lur chateus ceo eſt aſaver a quinze liveres des terres e chateus de quaraunte marcs haubergeon chapel de feer eſpe cutel e cheval a diſz liveres de terre e chateus de vynt marcs haubergeon chapel eſpe e cutel a cent ſoudeeſz de terre parpoint chapel de feer eſpe e cutel a quaraunte ſoudeeſz de terre e de plus jeqes a cent ſouz eſpe ark ſetes e cutel a qe meins ad de quaraunte ſouz de terre ſeit jure a ſanchons giſarmes e cotauz e autres menues armes qui meins ad de chateus vynt marcs eſpees cuteus e autres menues armes E tuz les autres qui aver pount eient arcs e ſetes hors de foreſtes e dedenz foreſtes arcs e pilets. E qe veue es armes ſeit fete deus foiz par

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par an. E en cheſcun hundred e frauncheſe ſeyent eleus deus coneſtables a fere la veu des armes e les coneſtables avauntdiz preſentent devaunt les juſtices aſſignez quaunt il vendrunt en pays les defautez qil averount trovez de armere e de ſuites de veilles e de cheminz E preſentent auſi de genz qi herbergent genz eſtraunges en viles de uppelaund pur queus il ne volent reſpundre e les Juſtices aſſignez en cheſcun parlement repreſentent au rey e le rey ſur ceo en fra remedie. E bien ſe gardent deſoremes viſcuntes baillifs de fraunchiſes e de hors greignurs ou maindres qi baillie ou foreſterie unt en fee ou en autre manere qil ſiwent le cri ove le pays E ſolum ceo qil ſunt eient chevaus e armeure a ceo fere E ſi nul ſeit qi ne le face ſeient les defautes preſentez par les coneſtables as Juſticez aſſignez e puis apres par eus au rey cum avaunt eſt dit. E comaunde le rey e defend qe feire ne marche deſoremes ne ſeient tenuz en cimeter pur honur de ſeint egliſe. Done a Wynceſtre le utiſme jour de Octobr' le an du regne le rey trezime.

'And in every Hundred and Franchiſe Two Conſtables ſhall be choſen to make the View of Armor: And the Conſtables aforeſaid ſhall preſent before Juſtices aſſigned ſuch Defaults as they do ſee in the Country about Armor, and of the Suits of Towns, and of Highways, and alſo ſhall preſent all ſuch as do lodge Strangers in uplandiſh Towns, for whom they will not anſwer; and the Juſtices aſſigned ſhall preſent at every Parliament unto the King ſuch Defaults as they ſhall find, and the King ſhall provide Remedy therein. And from henceforth let Sheriffs take good Heed, and Bailiffs, within their Franchiſes and without, be they higher or lower, that have any Bailiwick or Foreſtry in Fee, or otherwiſe, that they ſhall follow the Cry with the Country, and after, as they are bounden, to keep Horſes and Armor, or ſo to do; and if there be any that do not, the Defaults ſhall be preſented by the Conſtables to the Juſtices aſſigned, and after, by them to the King, and the King will provide Remedy as afore is ſaid. And the King commandeth and forbideth, that from henceforth neither Fairs nor Markets be kept in Churchyards, for the Honour of the Church. Given at *Wincheſter*, the Eighth of *October*, in the Thirteenth Year of the Reign of the King.'

See 2 Ed. 3. c. 6. *giving power to Juſtices of the Peace to puniſh Diſobeyers and Reſiſters.*

Fairs and Markets ſhall not be kept in Churchyards.

Repealed by 4 & 5 Ph. & M. c. 2. 1 *Jac.* 1. *c.* 25. *ſ.* 46.

See Index, tit. Hue and Cry.

The Statute of MERCHANTS, *made at* Weſtminſter Anno 13 EDW. I. *Stat.* 3. *and* Anno Dom. 1285.

CAP. I.

The Form of knowledging a Statute Merchant. The Creditor's Remedy if his Debt be not paid. The King's Seals ſhall be ſent to Keepers of Fairs. Taking of Recogniſance.

Ex Rot. in Turr. Lond. *m.* 41.

PUR ceo qe marchaunz qi avaunt ces hures unt preſt lur aver a divers genz ſunt cheuz en poverte pur ceo qe il ni avoit pas ſi redde ley purvewe par la quele il poeient lur dettes haſtevement recovrir au jour aſſis de paye e par cele encheſon ſunt mult des marchaunz ſuſtrez de venir en ceſte terra ove lur marchaundiſes a damage des marchaunz e de tut le reaume le rey par luy e par ſun counſeil a ſum parlement qe il tint a Acton Burnell apres la ſeint Michell le an de ſun regne uzime ſiſt e ordina eſtabliſſement ſur ceo a remedie des marchaunz le quel ordeinement e eſtabliſſement le rey comaunda qe tenuz fuiſſent e fermement gardez en tut ſun reaume dunt marchaunz unt eu remedie e a mains meſchief e travail unt recovere lur dettes qe avaunt ne ſoleient. Mes pur ceo qe marchaunz puys ſe pleindrent al rey qe Viſcuntes qui malement enterpreterent ſun ſtatut e aconefei par malice e par mal enterpreteiſon delaerent lexecucion del ſtatut a graunt damage des marchaunz le rey a ſun parlement a Weſtm' apres Paſk lan

"FOraſmuch as Merchants, which heretofore have lent their Goods to divers Perſons, be fallen in Poverty, becauſe there is no ſpeedy Remedy provided, whereby they may ſhortly recover their Debt at the Day of Payment; and for this Cauſe, many Merchants do refrain to come into the Realm with their Merchandize, to the Damage of ſuch Merchants and of all the Realm;" the King and his Council at his Parliament holden at *Acton Burnel*, after the Feaſt of St. *Michael*, the Eleventh Year of his Reign, ordained Eſtabliſhments thereupon for the Remedy of ſuch Merchants; which Ordinances and Eſtabliſhments, the King commanded that they ſhall be firmly kept and obſerved throughout this Realm, whereby Merchants have had Remedy, and have recovered their Debts with leſs Inconvenience and Trouble, than they have had heretofore.' "But foraſmuch as Merchants after complained unto the King, that Sheriffs miſinterpreted his Statutes, and ſometimes by Malice and falſe Interpretation delayed the Execution of the Statute, to the great Damage of Merchants;" 'The King at his Parliament holden at *Weſtminſter* after *Eaſter*, the

St. Acton Burnel, 11 Ed. 1.

'thirteenth Year of his Reign, cauſed the ſaid Statute made at *Acton Burnel* to be rehearſed; and for the Declaration of certain Articles in the Statute aforeſaid hath ordained and eſtabliſhed, That a Merchant who will be ſure of his Debt, ſhall cauſe his Debtor to come before the Mayor of *London*, or before ſome chief Warden of a City, or of another good Town, where the King ſhall appoint, and before the Mayor and chief Warden, or other ſufficient Men choſen and ſworn thereto, when the Mayor or chief Warden cannot attend, and before one of the Clerks that the King ſhall thereto aſſign, when both cannot attend, he ſhall acknowledge the Debt and the Day of Payment; and the Recogniſance ſhall be inrolled by one of the Clerks Hands being known, and the Roll ſhall be double, whereof one Part ſhall remain with the Mayor or chief Warden, and the other with the Clerks that thereto ſhall be firſt named; and further, one of the ſaid Clerks with his own Hand ſhall write an Obligation, to which Writing the Seal of the Debtor ſhall be put with the King's Seal provided for the ſame Intent; which Seal ſhall be of two Pieces, whereof the greater Piece ſhall remain in the Cuſtody of the Mayor, or the chief Warden, and the other Piece in the keeping of the foreſaid Clerk. And if the Debtor do not pay at the Day limited unto him, then ſhall the Merchant come to the Mayor and Clerk with his Obligation: and if it be found by the Roll or Writing, that the Debt was acknowledged, and the Day of Payment expired, the Mayor or chief Warden ſhall cauſe the Body of the Debtor to be taken (if he be Lay) whenſoever he happeneth to come in their Power, and ſhall commit him to the Priſon of the Town, if there be any, and he ſhall remain there at his own Coſts, until he hath agreed for the Debt. And it is commanded that the Keeper of the Town Priſon ſhall retain him upon the Delivery of the Mayor or Warden; and if the Keeper ſhall not receive him, he ſhall be anſwerable for the Debt, if he have whereof; and if he have not whereof, he that committed the Priſon to his keeping ſhall anſwer. And if the Debtor cannot be found in the Power of the Mayor, or chief Warden, then ſhall the Mayor or chief Warden ſend into the Chancery, under the King's Seal, the Recogniſance of the Debt; and the Chancellor ſhall direct a Writ unto the Sheriff, in whoſe Shire the Debtor ſhall be found, for to take his Body (if he be Lay) and ſafely to keep him in Priſon until he hath agreed for the Debt; and within a Quarter of a Year after that he is taken, his Chattels ſhall be delivered him, ſo that by his own he may levy and pay the Debt; and it ſhall be lawful unto him, during the ſame Quarter, to ſell his Lands and Tenements for the Diſcharge of his Debts, and his Sale ſhall be good and effectual. And if he do not agree within the Quarter, next after the Quarter expired, all the Lands and Goods of the Debtor ſhall be delivered unto the Merchant by a reaſonable Extent, to hold them until ſuch Time as the Debt is wholly levied; and nevertheleſs the Body ſhall remain in Priſon as before is ſaid; and the Merchant ſhall find him Bread and Water, and the Merchant ſhall have ſuch Seiſin in the Lands and Tenements delivered unto

The Form of acknowledging of a Statute Merchant. Co. Lit. 289. b.

Dyer 35.

Sealing of a Statute. Fitz. Execut. 131. Cro. El. 519.

The Creditor's Remedy if the Debt be not paid. 2 R. 3. f. 8.

Certificate of the Statute into the Chancery. Fitz. Execut. 79. 37 H. 6. f. 6.

Within what Time the Debtor may ſell his Land. Regiſt. 146. Fitz. Execut. 49, 89, 118, 154. 4 Co. 67. Dyer 206. Fitz. Reſceit.

27 Ed. 3. ſtat. 2. c. 9. ſect. 1.

What Eſtate the Merchant ſhall have in the Debtor's Lands.

Ex Rot. in Turr. Lond.

de ſun regne troizime fiſt reciter lavaundit ſtatut fet a Acton Burnell e pur declarer aquns articles de ſun ſtatut avauntdit ad ordine e eſtabli qe marchaunt qi veut eſtre ſeure de ſa dette face venir ſun dettur devaunt le meyre de [a] Appelby ou devaunte autre chief gardeyn de vile ou de autre bone vile ou le rey ordinera e devaunt le meire ou chief gardein ou autre prodhome a ceo eſleu e jure quaunt meire ou chief gardeyn ne poet entendre e devaunt un des clers qi le rey a ceo atornera quaunt ambodeus ne poent entendre conuſſe la dette e jour de la paie e ſeit la conoiſſaunce enroullee de la main del un des clers avauntdiz qi ſerra conue e le roule duble dunte le un demorge vers le meire ou chief gardein e lautre vers le clerk qi a ceo primes ſerra nome e oſtre ceo un des avauntdiz clers de ſa main face le eſcrit de obligacion a quel eſcrit ſeit miſ le ſeel del dettur ove le ſeel le rey qe a ceo eſt purveu le quel ſeel ſerra de deus pieces dunt lo greignour piece demoera en la garde le meire ou chief gardein e lautre piece en la main le clerk avauntdit. E ſi le dettur ne rende al jour qe lui eſt aſſis ſi veigne le marchaunt al meyre e al clerk ove ſa lettre de obligacion e ſi trove ſeit par roule ou par lettre qe la dette fuſt conue e le jour aſſis ſeit paſſe ſi face le meyre ou chief gardeyn prendre le cors al dettur iil eſt lay quel heure qe il ſeit trove en ſon poer e liverer a la priſon de la vile ſi priſon y ſeit e la demoerge a ſes cuſſages propres deſqe ataunt qil eit fet gre de la dette. E comaunde eſt qe le gardein de la priſon de la vile le reteigne par la livere del meyre ou le gardeyn e ſil ne le voille receivre ſi reſpoigne meintenant le gardein de la priſon de la dette ſil eit de qei e ſil nad de qei cy reſpoigne celui qi la priſon luy bailla a garder. E ſi le dettur ne poet eſtre trove en le poer del meyre ou chief gardein dunqe maunde le meyre ou chief gardein deſuz le ſeel le rey avauntdit al chaunceler la conoiſſaunce fete de la dette e le chaunceler envoie bref al viſcunte en qi baillie le dettur ſerra trove qil preigne ſon cors ſil eſt lay e en ſave priſon le garde deſqe ataunt qil eit fet gre de la dette e dedenz un quarter del an apres ceo qe il ſerra pris eit ſes chateus e ſes terres delivres iſſint qe par les ſoens puiſſe lever e paier la dette e bien luy liſt dedenz le quarter terre & tenement vender pur ſes dettes aquiter e ſa vente ſerra ferme & eſtable. E ſil ne face gre dedenz le quarter paſſe ſeient liverez au marchaunt tutz les biens del detter e totes ſes terres par reſnable eſtent a tenir deſqe ataunt qe la dette pleinement ſerra levee e ja le plus tart le cors demoerge en priſon cum avaunt eſt dit e le marchaunt luy truiſſe pain e ewe e eit le marchaunt en ceuls tenemenz a

[a] Londres. *Cotton MS.*

luy

Ex Rot. in Turr. Lond.

luy liverez ou ſon aſſigne tele ſeiſine qil puiſſe porter bref de Novele diſſeiſine ſil ſeit engete e de redeſeiſine auxi ſi cum de frank tenement a tenir a lui e a ſes aſſignez taunt qe la dette ſait paiee e apres la dette levee e paee ſeit le cors al dettur delivere ove ſa terre E en le bref qe le chaunceler enverra ſeit mencion fet qe le viſcunte certifie les juſtices del un baunc ou del autre coment il avera furni le comaundement le rey a un certaein jour a quel jour le marchaunt ſi ſun gre ne ſoit fet ſue devaunt les Juſtices e ſi le Viſcunte ne returne nul bref ou returne qe le bref vint trotart ou qil ad maunde al baillifs de la fraunchiſe ſi facent les juſtices ſolom ceo qil eſt contenu en le drein ſtatut de Weſtmr'. E ſi par cas le Viſcunte maunde qe le dettur neſt pas trove ou ſeit clerk ſi eit le marchaunt bref a tuz les Viſcuntes ou il avera terre qil lui liverent tuz les chateus e les tenemenz al dettur par reſnable eſtent a tenir a luy e a ſes aſſignez en la furme qe eſt avauntdite e ja le plus tart eit bref a quel Viſcunte qil vodra deprendre ſon cors ſil eſt ley e tenir en la furme avauntdite. E bien ſe garde le gardein de la priſun qil luy covendra reſpundre del cors ou de la dette. E apres ceo qe les terres al detter ferrunt livereez al marchaunt bien lirra au dettur ſa terre vendre iſſint qe le marchaunt neit damage de ſes approvemenz e ſauvez ſeient touz jours al marchaunt damages e cheſcunz cuſtagez neceſſaries e reſunnables en travail ſutes delaies e en deſpenſes. E ſi le dettur truiſſe plegges qi ſe conoiſſent eſtre principals detturs apres le jour paſſe ſeit fet des plegges en totes choſes cum eſt dit del principal dettur quant a cors prendre e terres liverer e autres choſes. E quant les terres al detturs ſerrunt liverez as marchauntz ſi eit ſeiſine de totes les terres qe furent en le main le dettur le jour qe la conoiſſaunce fu fete en qi mein qe eles ſerrunt apres devenuz ou par feffement ou per autre manere. E pres la dette paie les terres iſſuz del dettur par feffement returnent auxibien arere al feffe cum les autres terres as detturs. E ſi le dettur ou plegge moerge point neit le marchaunt recoverir a prendre le cors le eir mes a ſes terres cum avaunt eſt dit ſil eſt de age ou quant il ſerra de age. E ſeit purveu un ſeel qi ſerve as feires e ceo ſeel ſerra envoie a cheſcune feire deſuz le ſeel le rey par un clerk jure e par le gardein de la feire. E par la communaute des marchaunz ſeient eſlus deus leus marchaunz de la cite de Lundres qil facent le ſerment e devaunt eus ſeit le ſeel overt e la une peece ſeit baille as avountdiz marchaunz e lautre demoerge vers le clerk e devaunt eux ou le un des marchaunz ſi amdeus ni poent eſtre ſeient les conoiſſaunces fetes cum devaunt eſt dit. E avaunt ceo qe nul reconoiſſaunce ſeit enroullee ſeit la peined el ſtatut apertiement leu devaunt le dettur iſſint qil ne puiſſe autrefoiz dire qe lom li met autre peine qe icele au quele il ſe obliga. E a ſuſtenir les cuſtages del avauntdit clerk ſi prendra le rey de cheſcune livre un den' en cheſcune vile ou

'him or his Aſſignee, that he may maintain a Writ of *Novel diſſeiſin*, if he be put out, and Rediſſeiſin alſo, as of Freehold, to hold to him and his Aſſigns until the Debt be paid; and as ſoon as the Debt is levied, the Body of the Debtor ſhall be delivered with his Lands. And in ſuch Writs as the Chancellor doth award, Mention ſhall be made, that the Sheriff ſhall certify the Juſtices of the one Bench or of the other, how he hath performed the King's Commandment, at a certain Day, at which Day the Merchant ſhall ſue before the Juſtices, if Agreement be not made; and if the Sheriffs do not return the Writ, or do return that the Writ came too late, or that he hath directed it to the Bailiffs of ſome Franchiſe, the Juſtices ſhall do as it is contained in the latter Statute of *Weſtminſter*. And if in caſe the Sheriff return, that the Debtor cannot be found, or that he is a Clerk, the Merchant ſhall have Writs to all the Sheriffs where he ſhall have Land, and that they ſhall deliver unto him all the Goods and Lands of the Debtor by a reaſonable Extent, to hold unto him and his Aſſigns in the Form aforeſaid; and at the laſt he ſhall have a Writ to what Sheriff he will, to take his Body (if he be Lay) and to retain it in Manner aforeſaid. And let the Keeper of the Priſon take Heed, that he muſt anſwer for the Body, or for the Debt. And after the Debtor's Lands be delivered to the Merchant, the Debtor may lawfully ſell his Land, ſo that the Merchant have no Damage of the Approvements; and the Merchants ſhall always be allowed for their Damages, and all Coſts, Labours, Suits, Delays, and Expences reaſonable. And if the Debtor find Sureties which do acknowledge themſelves to be principal Debtors, after the Day paſſed the Sureties ſhall be ordered in all Things as is ſaid of the principal Debtor, as to the Arreſt of Body, Delivery of Lands, and other Things. And when the Lands of the Debtors be delivered unto the Merchant, he ſhall have Seiſin of all the Lands that were in the Hand of the Debtor, the Day of the Recogniſance made, in whoſe Hands ſoever that they come after, either by Feoffment, or otherwiſe. And after the Debt paid, the Debtor's Lands, and the Iſſues of Lands of Debtors by Feoffment ſhall return again, as well to the Feoffee, as the other Lands unto the Debtors. And if the Debtor or his Sureties die, the Merchant ſhall have no Authority to take the Body of his Heir, but he ſhall have his Lands, as before is ſaid, if he be of Age, or when he ſhall be of full Age. And a Seal ſhall be provided, that ſhall ſerve for Fairs, and the ſame ſhall be ſent unto every Fair under the King's Seal by a Clerk ſworn, or by the Keeper of the Fair. And of the * *Commonalty of the Merchants of the City of* London, *two Merchants ſhall be choſen*, that ſhall ſwear, and the Seal ſhall be opened before them, and the one Piece ſhall be delivered unto the foreſaid Merchants, and the other ſhall remain with the Clerk; and before them, or one of the Merchants (if both cannot attend) the Recogniſances ſhall be taken, as before is ſaid. And before that any Recogniſance be inrolled, the Pain of the Statute ſhall be openly read before the Debtor, ſo that after he cannot ſay that any did put another Penalty than that whereto he bound himſelf. And to maintain the Coſts of the ſaid Clerk, the King ſhall take of every Pound a Penny, in'

13 Ed. 1. ſtat. 1. c. 39.

Fitz. Execut. 97. 7 H. 4. f. 10. Dyer 206.

Fitz. Aſſiſe, 402.

How the Debtor's Sureties ſhall be uſed.

What Lands ſhall be extended.

The Heir's Lands, but not his Body, ſhall be extended.

A Seal for Fairs.

* Q. *And by the Commonalty of Merchants, two ſhall be choſen who are Merchants of the City of London.*

Bro. Recog. 16, 17, 18, 21.

The Statute ſhall be read to the Debtor.

The King's Duty upon a Statute acknowledged.

Ex Rot. in Turr. Lond.

'in every Town where the Seal is, except Fairs, where 'he ſhall take one Penny Halfpenny of the Pound. 'This Ordinance and Act the King willeth to be 'obſerved from henceforth throughout his Realm of '*England* and *Ireland*, amongſt the which People they 'that will may make ſuch Recogniſances (except *Jews*, 'to whom this Ordinance ſhall not extend.) And 'by this Statute a Writ of Debt ſhall not be abated: 'and the Chancellor, Juſtices of the one Bench and 'the other, the Barons of the Exchequer, and Juſtices Taking of Recogniſances. 'Errants, ſhall not be eſtopped to take Recogniſances 'of Debts of thoſe who are willing to acknowledge 'them before them: But the Execution of Recogni-'ſances made before them ſhall not be done in the 'Form aforeſaid, but by the Law and Manner before 'uſed, and otherwiſe provided in other Statutes a.'

le ſeel ſerra horpris faire ou il prendra treis mailles de la livre. Ceſt ordeinement e eſtabliſement veut le rei qe deſoremes ſeit tenu par tut ſun reaume de Engleterre e de Irlaunde entre quelſz genz qi ceo ſoient qi de lour endegre vodrunt tele reconoiſſaunce fere forſpris Jeus as queus ceſt eſtabliſement ne ſeſtent pas. Et par ceſt eſtabliſement ne ſeit pas bref de dette abatu e ne ſeient pas le Chaunceler Baruns del Eſcheker Juſtices del un baunc e del autre e Juſtices erraunz forclos deprendre reconoiſſaunces de dettes de eus qi devaunt eux les vodrunt fere mes les execucions des conoiſſaunces devaunt eus fetes nen ſeient pas fetes par la furme avauntdite mes par la ley e le uſage e la manere purveue aillors en autre eſtatut.

Rex vic' ſalutem. Quia coram tali majore vel cuſtode talis ville, vel coram cuſtode ſigilli noſtri de mercatoribus in nundinis in tali loco, & tali clerico noſtro A. recognovit debere B. tantum quod ſolviſſe debuit tali die & tali anno, quod idem A. nondum ſolvit, ut dicit: Tibi præcipimus, quod corpus prædicti A. ſi laicus ſit, capias, & in priſona noſtra ſalvo cuſtodiri facias, quouſque deprædict' debito ſatisfecerit. Et qualiter hoc præceptum noſtrum fueris executus, ſcire facias juſtitiariis noſtris apud Weſtmonaſterium per literas tuas ſigillatas, & habeas ibi hoc breve. Teſte, &c.

In what Manner Execution ſhall be made of the Statute Staple, ſee 27 Ed. 3. ſtat. 2. c. 9. *which is enforced by* 15 *R.* 2. *c.* 9. 23 H. 8. c. 6. *empowering the two Chief Juſtices, the Mayor of the Staple, &c. to take Obligations. And the* 8 Geo. 1. c. 25. *for ſupplying ſome Defects in the* 23 H. 8. *c.* 6.

The Statute of Circumſpecte agatis, *made* Anno 13 EDW. I. *Stat.* 4. *and* Anno Dom. 1285.

CAP. I.

Certain Caſes wherein the King's Prohibition doth not lie.

Cotton *MS. Claudius*, D. 2.

Caſes wherein the King's Prohibition doth not lie. 2 Inſt. 487. 13 Co. 41. 7 Co. 44. 5 Co. 67.

'THE *King to his Juſtices ſendeth greeting.* Uſe 'yourſelves circumſpectly in all Matters con-'cerning the Biſhop of *Norwich* and his Clergy, 'not puniſhing them if they hold Pleas in Court 'Chriſtian of ſuch Things as be meer ſpiritual, that 'is to wit, of Penance enjoined by Prelates for deadly 'Sin, as Fornication, Adultery, and ſuch like, for 'the which ſometimes Corporal Penance, and ſome-'time Pecuniary is enjoyned, ſpecially if a Freeman 'be convict of ſuch Things. Alſo if Prelates do 'puniſh for leaving the Church-yard uncloſed, or for 'that the Church is uncovered, or not conveniently 'decked, in which Caſes none other Penance can be 'enjoined but Pecuniary.

Tithes and Offerings. 8 Ed. 4. 13. Fitz. Prohibition, 18, 20.

'*Item*, If a Parſon demand Tithes greater or 'ſmaller, ſo that the fourth Part of the Value of 'the Benefice be not demanded.

'*Item*, If a Parſon demand Mortuaries in Places 'where a Mortuary hath been uſed to be given.

Penſion. Defamation.

'*Item*, If a Prelate of a Church demand of a 'Parſon a Penſion due to him, all ſuch Demands

CIrcumſpecte agatis de negotio tangente dominum Epiſcopum Norwicen' & clerum non puniendo eos ſi placita tenuerint de hiis que mere ſunt ſpiritualia videlicet de correctionibus quos Prelati faciunt pro mortali peccato videlicet fornicatione adulterio & hujuſmodi pro quibus aliquando infligitur pena corporalis aliquando pecuniaria maxime ſi convictus ſit de hiis liber homo.

Item ſi Prelatus pro cimiterio non clauſo eccleſia diſcooperta vel non decenter ornata in quibus caſibus alia pena non poteſt infligi quam pecuniaria penam imponat.

Item ſi Rector petat decimam majorem vel minorem dummodo non petatur quarta pars alicujus eccleſie.

Item ſi Rector petat mortuarium in partibus ubi mortuar' dari conſueverit.

Item ſi Prelatus alicujus eccleſie petat penſionem a Rectore ſibi debitam omnes hujus penſiones faciende ſunt in foro eccleſiaſtico.

De violenta manuum injectione in clericum & in cauſa diffamationis conceſſum fuit alias quod placita

a *The following* Memorandum *being found on the Roll, it was thought proper to inſert it here:* Conſimile ſtatutum de verbo ad verbum habent major' & cives Exon'. Memorand' quod ſtatutum predictum conſign' fuit in forma ſubſcripta & liberatum Will'o de Bodemynn' deferend' per ipſum communitati ville de Loſtwythiel: Edwardus rex, &c. omnibus ad quos, &c. ſalutem. Inſpeximus ſtatutum Mercatorum editum tempore domini E. quondam regis Angl' patris noſtri in hec verba *Pur ceo qe marchanz*, &c. Quod quidem ſtatutum pro recognitionibus juxta formam ejuſdem ſtatuti in villa de Loſtwythiel accip end' ad eandem Villam duximus tranſmittend.' In cujus, &c. T. R. apud Londin' tertio die Septembr' anno regni ſui quinto.

inde

Cotton *MS.*

inde teneantur in Cur' Chriſtianitatis dummodo non petatur pecunia ſed agatur ad correctionem peccati.

In omnibus iſtis caſibus habet judex eccleſiaſticus cognoſcere regia prohibitione non obſtante licet porrigatur ob quod impetrant laici prohibitionem in genere ſuper decima oblationibus mortuar' redemptionibus penitentiarum violenta manuum injectione in clericum & converſum & in cauſa diffamationis in quibus caſibus agitur ad penam canonicam capiend'.

'are to be made in a Spiritual Court. And for laying violent Hands on a Clerk, and in cauſe of Defamation, it hath been granted already, that it ſhall be tried in a Spiritual Court, when Money is not demanded, but a Thing done for Puniſhment of Sin. In all Caſes afore rehearſed, the Spiritual Judge ſhall have Power to take Knowledge, notwithſtanding the King's Prohibition.'

4 Co. 20. Kel. 29. 22 Ed. 4. f. 20. Bro. Prohibition, 18, 21. Breach of an Oath. Bro. Act. ſur le caſe, 115. 38 H. 6. f. 29. 11 H. 4. f. 88. Regiſt. 36, 45. 50, 51, 57, &c. Raſt. pla. 483.

Reſpondit dominus Rex ad iſtos articulos quod in decimis obventionibus oblationibus mortuar' quando agitur ut predictum eſt prohibitioni non eſt locus. Et ſi clericus vel Religioſus decimas ſuas in horreo congregatas vel alibi exiſtentes vendiderit pro pecunia alicui & implacitetur in Cur' Chriſtianitatis locum habet regia prohibitio quia per venditiones res ſpirituales ſunt temporales & ſic tranſeunt decime in catallis.

Item ſi contentio ſit de jure decimarum originem habens de jure Patronatus & earum decimarum quantitas excedat quartam partem eccleſie locum habet regia prohibitio.

Item ſi Prelatus imponat penam pecuniariam alicui pro peccato & petat illam pecuniam locum habet regia prohibitio ſi coram Prelatis pecunia exigatur.

Item ſi quis manus violentas injecerit in clericum pro pace domini Regis debent emende fieri coram Rege pro excommunicatione vero coram Epiſcopo & ſi imponatur pena corporalis quam ſi reus velit redimere dando prelato vel leſo pecuniam poteſt nec in talibus locus eſt prohibitioni.

In diffamationibus liberorum corrigant Prelati regia prohibitione non obſtante licet porrigatur.

See 24 Ed. 1. where a Conſultation is grantable. By 9 Ed. 2. ſtat. 1. c. 1. no Prohibition ſhall be granted where Tythes are demanded. See farther 9 Ed. 2. c. 2, 4 & 5. 1 Ed. 3. ſtat. 2. c. 11. 18 Ed. 3. ſtat. 3. c. 5. 50 Ed. 3. c. 4. and 2 H. 5. ſtat. 1. c. 3.

Statuta Civitatis LONDON' *edita apud* Weſtm' Anno 13 EDW. I. *Regis, Stat.* 5. *See Appendix.*

Forma Conceſſionis et exemplificationis Cartarum. Anno 13 EDW. I. Stat. 6. *See Appendix.*

STATUTUM EXONIE, 14 EDW. I. *See Appendix.*

ARTICULI STATUTI EXONIE. *See Appendix.*

Ordinatio pro ſtatu Hiberniæ, *made* Anno 17 EDW. I. *and* Anno Dom. 1288[a].

Ex Rot. in Turr. Lond.

EDWARD par la grace de Dieu Roi dEngleterre ſeignur dIrlaund ducs dAquitaine a touz ceux qi ceſtes preſentes lettres verrount ou orrount ſalutz. Sachez qe a lamendement du gueyement de noſtre terre dIrlaund a plus grant pees & tranquillite de noſtre poeple en cele terre a Notyngham as oytaves ſel ſeint Martin lan de noſtre regne dis ſeptiſme par aſſent de noſtre counſeil illoeqs ſont les pointz ſoutzeſcriz aſſentuz & accordez a fin qe eux ſoient tenuz &. fermement gardez en meiſme la terre.

"EDWARD, by the Grace of God, King of *England*, Lord of *Ireland*, Duke of *Aquitain*, to all thoſe who ſhall ſee or hear theſe Letters, doth ſend Salutation. Know you, that for the Amendment of the Government of our Realm of *Ireland*, and for the Peace and Tranquillity of our People of the ſame Land, at *Nottingham*, the Octaves of Saint *Martin*, in the Seventeenth Year of our Reign, by the Aſſent of our Council there being, the Points hereafter mentioned be made and agreed upon, to the Intent that they may be firmly obſerved in the ſame Realm."

See Index tit. Ireland.

[a] *This is in the* Secunda pars veterum Statutorum, fol. 76. *It is in the Editions of* Pulton *and* Keble, *but not in* Raſtal.

C A P.

CAP. I.

The King's Officers in *Ireland* ſhall purchaſe no Land without the King's Licence.

'FIRST, That the Juſtice of *Ireland*, nor any other Officer of ours of the ſame Realm, ſo long as they are in our Service there, ſhall purchaſe any Land or Tenement within the Liſt or Bound of their Bailiwicks, without our ſpecial Licence: And if any do the contrary, that which he ſhall purchaſe ſhall accrue and be forfeit to us and our Heirs; ſaving to the chief Lord of the Fee the Services due and accuſtomed for the Lands and Tenements ſo accruing and forfeit to us.'

Ex Rot. in Turr. Lond.

PRimerement qe la Juſtice dIrlaund ne nul autre noſtre miniſtre en cele terre tancom ils ſount en nos offices illoeqs ne purchacent terre ne tenement dedeinz les liſtes ou boundes de lour baillies ſaunz noſtre congie eſpeciale & ſi nul face le contraire ceo qil avera purchace ſoit encoru & forfait a nous & noz heirs ſauve as chiefs ſeignurages de fee ſervices dues & accuſtumez de terres & tenementes iſſint encuruz & forfaitz a nouz.

CAP. II.

In what Caſe only Purveyance may be made in *Ireland*.

'ALSO, That neither our Juſtice of *Ireland*, nor any other of our Officers there, by colour of their Offices, ſhall take Victuals, or any other Things, of any Perſon againſt his Will, but in Time of Neceſſity, for the common Profit of the Realm; and that then he ſhall do it by the Advice and Aſſent of the greateſt Part of our Council in thoſe Parts, and by a Writ awarded out of our Chancery of *Ireland*; and in ſuch Caſe as we or our Heirs do command by a Writ awarded out of our Chancery of *England*, or by other Warrants.'

ITEM qe noſtre Juſtice dIrlaund ne nul de noz autres miniſtres iloeqs par colour de lour offices ne preignent vitailles ne autres choſes de nuli contre ſon gre horpris en cas de neceſſite pur le comun profit de la terre & adunqs qe ceo ce face par lavis & laſſent de plus grantz de noſtre counſeil celes parties & par bref ne noſtre Chancellerie dIrlaund & en cas qe nous ou noz heirs les commanderoms par brief de noſtre Chauncellerie dEngleterre ou par noz autres lettres.

CAP. III.

Tranſporting of Merchandiſes out of *Ireland*.

By 34 Ed. 3. c. 18. They who have Lands in Ireland may carry their Goods thither and bring them back, &c.

'MOreover, That none of our Juſtices, nor any of our other Miniſters, by colour of their Office, ſhall arreſt Ships, nor other Goods of Strangers, or of our own People; but that all Merchants and others may carry their Corn, and other Victuals and Merchandiſes, forth of our Realm of *Ireland* unto our Realm of *England*, and unto our Land of *Wales*, (ſaving in the Caſe aforeſaid) paying the Cuſtoms due and uſed, ſo that they make good Security that they ſhall not go unto, nor commerce with our Enemies of *Scotland*, nor other of our Enemies, if any ſhall be. And if any Juſtice or other Officer do the contrary in the Things aforeſaid, and be thereof attainted, he ſhall ſatisfie the Plaintiff double Damages, and alſo ſhall be grievouſly puniſhed by us.'

18 Car. 2. c. 2. which is made perpetual by 32 Car. 2. c. 2. § 2. repeals the 34 Ed. 3. c. 18. as to Iriſh Cattle.

ITEM qe noſtre dite Juſtice ne nul de noz autres miniſtres iloeqs par colour de lour office ne areſtent nyefs ne autres biens des eſtraunges ne des privez mez qe touz marchaunz & autres puiſſent carier bledz & autres vitailles & marchandiſes hors de noſtre terre dIrlaund jeſqs en noſtre roialme dEngleterre & en noſtre terre de Gales horpris en les cas ſuſditz feſauntz les cuſtumes dues & uſeez iſſint totes voies qil facent covenable ſeurte qil ne irrount ne ne communerent od noz enemis de Scoce ne noz autres enemis ſi nul fuiſſent. Et ſi nul Juſtice ou autre miniſtre face le contrair des choſes ſuſdites & de ceo ſoit atteint face gre au pleintif de ſes damages a double & jademeyns ſoit grevement puni devers nous.

CAP. IV.

The Fees of a Bill of Grace in *Ireland*.

'HEreafter there ſhall be taken and paid for the Seal of our Juſtice of *Ireland*, for every Bill of Grace, *ivd.* and for the writing of every Bill, *iid.* and no more.'

ITem pur le ſeal noſtre Juſtice dIrlaund de cheſcune bille de grace quater deniers & pur leſcripture de cheſcune bille deux deners deſore ſoient pris & paiez & nient plus.

CAP.

CAP. V.

The Marſhal's Fee in *Ireland*.

Ex Rot. in Turr. Lond.

ITEM de celui qeſt commaunde a la priſone par auctorite de noſtre Court quant ill ſerra delivres quater denirs ſoient pris pur le fee du mareſchal & nient plus. Et ſi par cas nul veigne encountre les choſes ſuſdites & de ceo ſoit ateint a noſtre ſeute ou a ſeute de partie face gree a la partie & ſoit grevement puny devers nous.

'AND there ſhall be taken of him which is committed to Priſon by Authority of our Court, when he ſhall be delivered, iv*d.* for the Marſhal's Fee, and no more. And if any do offend the Ordinances aforeſaid, and thereof be attainted at our Suit, or the Suit of the Party, he ſhall make Satisfaction to the Party, and be grievouſly puniſhed by us.'

CAP. VI.

In what Caſes the Juſtice of *Ireland* may grant Pardon of Felony, &c. and where not.

ITEM qe nul pardoun de la ſeute de noſtre pees pur mort de homme ne a autre felonie ne tuicion pur celui qi ſerra des tieux felonies rette ou endite ne ſoit fait ne graunte deſore par notre Juſtice dIrlaund ſur ſeales de noſtre ſeal iloeqs ſantz eſpecial commaundment de nous meiſmes deſouz aſcuns de noz ſeals dEngleterre ſauve qe noſtre dite Juſtice & noſtre Chaunceller dIrlaund ove laviſement de noſtre Counſeil dIrlaund puiſſent faire pardon des felonies faites devaut la date de ceſtes ſolunc ce qe pur noſtre honur & profit & pees & tranquilite de noſtre poeple illoeqs veient qe fait a faire & ſolom le commaundement qils evount de nous Iſſint totes voies qe des felonies qe ſe ferount deſore nul pardoun ſe face ne tuicion ſoit grauntie ſanz eſpecial commandement de nous meiſmes ſi com deſus eſt dit.

'AND that no Pardon from henceforth ſhall be granted by our Juſtice of *Ireland*, of the Suit of our Peace for the Death of a Man, nor for other Felony, nor Protection to them which ſhall be accuſed or indicted of ſuch Felonies; nor ſhall be ſealed with our Seal there, without the ſpecial Commandment of us ourſelves under ſome of our Seals of *England*; ſaving that our ſaid Juſtice of *Ireland*, and our Chancellor of *Ireland*, with the Advice of our Council of *Ireland*, may grant Pardon of Felonies committed before the Date hereof, as they ſhall perceive it may ſtand with our Honour and Profit, and Peace and Tranquillity of our People there, and with the Commandment which they have received from us; ſo always that there be no Pardon or Protection granted of thoſe Felonies which ſhall be hereafter committed, without the ſpecial Commandment of us ourſelves, as is aforeſaid.'

CAP. VII.

By what Seal Writs in *Ireland* ſhall be ſealed.

ITEM qe nul brief original pledable a la commune lei ne ſoit reſceu par nul de noz miniſtres forſqe briefs ſeale deſouz noſtre grant Seal dIrlaund ne nul proces fait par autre brief ſauve qe par noſtre Seal de noſtre Eſcheqer dIrlaund des choſes tochantz cele place ſoit fait auſſi come doit eſtre fait de reſon & ſolunc ceo qe cea en arers ad eſte acuſtumee.

'AND that none of our Officers ſhall receive an original Writ pleadable at the Common Law, but ſuch as be ſealed by the Great Seal of *Ireland*; nor any Proceſs ſhall be made by any other Writ ſaving that by our Seal of our Exchequer of *Ireland*, of Things touching that Court, it ſhall be done as by reaſon it ought to be, and according as it hath been heretofore accuſtomed.'

CAP. VIII.

Adjournment of Aſſiſes in *Ireland*.

ITEM qe noſtre Juſtice de la dite terre par ſes briefs ou lettres ne targe ne ajorne aſſiſe de Novele diſſeiſine devaunt lui forſqe en le conte ou il ſerra preſent & tancome il demorra en meiſme le conte. En teſmoignaunce de quele choſe nous avoms fait faire ceſtes noz lettres overtes. Don a Notingham le xxiv. jour de Novembr' lan de noſtre regne dis ſeptiſme.

'*ITEM*, That our Juſtice of the ſame Realm ſhall not by his Writs or Letters delay or adjourn any Aſſiſe of *Novel diſſeiſin* before him, but in the County where he ſhall be preſent, and during that Time as he ſhall remain in the ſame County. In Witneſs whereof we have cauſed theſe our Letters Patents to be made. Dated at *Nottingham* the four and twentieth Day of *November*, the ſeventeenth Year of our Reign.'

The Statute of WESTMINSTER *the Third*, viz. Quia emptores terrarum, *made* Anno 18 EDW. I. *Stat.* 1. *and* Anno Dom. 1290.

CAP. I.

The Feoffee ſhall hold his Land of the chief Lord, and not of the Feoffor.

1 Roll. 106. See 1 Bur. 108.

" FOraſmuch as Purchaſers of Lands and Tenements of the Fees of great Men and other Lords, have many Times heretofore entered into their Fees, to the Prejudice of the Lords, to whom the Freeholders of ſuch great Men have ſold their Lands and Tenements to be holden in Fee of their Feoffors, and not of the chief Lords of the Fees, whereby the ſame chief Lords have many Times loſt their Eſcheats, Marriages, and Wardſhips of Lands and Tenements belonging to their Fees; which Thing ſeemed very hard and extream unto thoſe Lords and other great Men, and moreover in this Caſe manifeſt Diſheritance:" 'Our Lord the King, in his Parliament at *Weſtminſter*, after *Eaſter*, the eighteenth Year of his Reign, that is to wit, in the Quinzime of Saint *John Baptiſt*, at the Inſtance of the great Men of the Realm, granted, provided, and ordained, That from henceforth it ſhall be lawful to every Freeman to ſell at his own Pleaſure his Lands and Tenements, or Part of them, ſo that the Feoffee ſhall hold the ſame Lands or Tenements of the chief Lord of the ſame Fee, by ſuch Service and Cuſtoms as his Feoffor held before.'

Fitz. Avowry, 108, 185, 255.

12 Car. 2. c. 24. *takes away feodal Services.*

Cotton *MS. Claudius*, D. 2.

QUIA emptores terrarum & tenementorum de feodis Magnatum & aliorum in prejudicium eorumdem temporibus retroactis multotiens in feodis ſuis ſint ingreſſi quibus libere tenentes eorumdem Magnatum & aliorum terras & tenementa ſua vendiderunt tenenda in feodo ſibi & heredibus ſuis de feoffatoribus ſuis & non de Capitalibus dominis feodorum per quod iidem Capitales domini eſcaetas maritagia & cuſtodias terrarum & tenementorum de feodis ſuis exiſtentium ſepius amiſerunt quod eiſdem Magnatibus & aliis dominis quam plurimis durum & difficile videbatur & ſimiliter in hoc caſu exheredatio manifeſta Dominus Rex in parliamento ſuo apud Weſtm' poſt Paſcha Anno Regni ſui decimo octavo videlicet in quindena ſancti Johannis Baptiſte ad inſtantiam Magnatum regni ſui conceſſit providit & ſtatuit quod de cetero liceat unicuique libero homini terram ſuam ſeu tenementum ſeu partem inde pro voluntate ſua vendere. Ita tamen quod feoffatus teneat terram illam ſeu tenementum de Capitali domino per eadem ſervicia & conſuetudines per que feoffator ſuus illa prius tenuit.

CAP. II.

If Part of the Land be ſold, the Services ſhall be apportioned.

Dyer 290. Fitz. Avowry, 101, 108, 218. Fitz. Herriot, 1. Bro. Tenures, 2. 65. 6 Co. 1. 8 Co. 105. 27 H. 8. f. 26. 40 Ed. 3. f. 40. 2 Inſt. 503.

'AND if he ſell any Part of ſuch Lands or Tenements to any, the Feoffee ſhall immediately hold it of the chief Lord, and ſhall be forthwith charged with the Services, for ſo much as pertaineth, or ought to pertain to the ſaid chief Lord for the ſame Parcel, according to the Quantity of the Land or Tenement ſo fold. And ſo in this Caſe the ſame Part of the Service ſhall remain to the Lord, to be taken by the Hands of the Feoffee, for the which he ought to be attendant and anſwerable to the ſame chief Lord, according to the Quantity of the Land or Tenement ſold for the Parcel of the Service ſo due.'

ET ſi partem aliquam earumdem terrarum & tenementorum alicui vendiderit feoffatus illam teneat immediate de Capitali domino & oneretur ſtatim de ſervicio quantum pertinet ſive pertinere debet eidem Capitali domino pro particula illa ſecundum quantitatem terre ſeu tenementi venditi & ſic in hoc caſu decidat Capitali domino ipſa pars ſervicii per manum feoffati capienda ex quo feoffatus debet eidem Capitali domino juxta quantitatem terre ſeu tenementi venditi de particula illa ſervicii ſic debiti eſſe intendens & reſpondens.

CAP. III.

No Feoffment ſhall be made to aſſure Land in Mortmain.

2 Inſt. 504.

'AND it is to be underſtood, that by the ſaid Sales or Purchaſes of Lands or Tenements, or any Parcels of them, ſuch Lands or Tenements ſhall in no wiſe come into Mortmain, either in Part or in Whole, neither by Policy ne Craft, contrary to the Form of the Statute made thereupon of late. And it is to wit, that this Statute extendeth but only to Lands holden in Fee Simple; and that it extendeth to the Time coming, and it ſhall begin to take Effect at the Feaſt of Saint *Andrew* the Apoſtle next coming. Given the eighteenth Year of the Reign of King *Edward* Son to King *Henry*.'

9 H. 3. ſtat. 1. c. 36.

ET ſciendum eſt quod per predictas venditiones ſeu emptiones terrarum ſeu tenementorum ſeu partis alicujus eorumdem nullo modo poſſunt terre ſeu tenementa illa in parte vel in toto ad manum mortuam devenire arte vel ingenio contra formam ſtatuti dudum ſuper hoc editi. Et ſciendum eſt quod iſtud ſtatutum tenet locum de terris venditis tenendis in feodo ſimpliciter tantum & quod ſe extendit ad tempus futurum Et incipiet locum tenere ad Feſtum Sancti Andree Apoſtoli proxime futurum.

Add 7 *Ed.* 1. *ſtat.* 2. 13 *Ed.* 1. *ſtat.* 1. *c.* 32. *and* 34 *Ed.* 1. *ſtat.* 3. *And ſee Index, tit.* Mortmain.

The

The Statute of Quo Warranto, *made* Anno 18 EDW. I. *Stat.* 2. *and* Anno Dom. 1290.

How they ſhall hold their Liberties which Claim them by Preſcription or Grant. A *Quo Warranto* ſhall be pleaded and determined before Juſtices in Eyre.

Cotton *MS. Claudius*, D. 2.

QUIA brevia de quo Warranto & etiam judicia ſuper placitis eorumdem brevium reddenda diutinam ceperunt dilationem eo quod Juſtic' in judiciis illis reddend' de voluntate domini Regis non fuerunt hucuſque certiorati idem dominus ad Parliamentum ſuum poſt Paſcha apud Weſtm' anno regni ſui decimo octavo de gratia ſua ſpeciali & etiam propter affectionem quam habet erga Prelatos Comites Barones & ceteros de regno ſuo conceſſit quod omnes de regno ſuo quicumque fuerint tam viri religioſi quam alii qui per bonam inquiſitionem patrie aut alio modo ſufficienti verificare poterint quod ipſi & eorum anteceſſores vel predeceſſores uſi fuerint libertatibus quibuſcumque de quibus per brevia fuerint implacitati ante tempus Regis Ricardi conſanguinei ſui aut toto tempore ſuo & hucuſque *ſine* interruptione continuarunt & ita quod libertatibus illis non ſint abuſi quod partes adjornentur ulterius coram eiſdem juſtic' uſque ad certum diem & rationabilem infra quem dominum Regem adire poſſint cum recordo Juſtic' ſub ſigillo ſuo & redire & dominus Rex ſtatum eorum affirmabit per literas ſuas. Et illi qui non poterunt ſeiſinam anteceſſorum ſeu predeceſſorum ſuorum verificare modo quo predictum eſt deducantur & judicentur ſecundum legem communem. Et illi qui habent cartas regales ſecundum cartas illas & earum plenitudinem judicentur.

Preterea dominus Rex de gratia ſua ſpeciali conceſſit quod omnia judicia que reddita ſunt in placitis de quo Warranto per Juſtic' ſuos apud Weſtm' poſt Paſcha predictum & pro ipſo domino Rege ſi partes que amiſerunt ad ipſum dominum Regem revenire voluerint tale habebunt remedium de gratia domini Regis ſicut ſuperius eſt conceſſum. Conceſſit etiam idem dominus Rex ad parcand' miſis & expenſis populi de regno ſuo quod placita de quo Warranto de cetero placitentur & terminentur in itineribus Juſtic' & quod placita adhuc pendentia readjornentur in ſingulis ſuis Com' uſque adventum Juſtic' in partibus illis, & quod interim poſt adjornationem ſic factam remaneant ſine die.

" FOraſmuch as Writs of *Quo Warranto*, and " alſo Judgements given upon Pleas of the " ſame, were greatly delayed, becauſe the Juſ- " tices in giving Judgement were not certified of the " King's Pleaſure therein;" 'our Lord the King, 'at his Parliament holden at *Weſtminſter*, after the 'Feaſt of *Eaſter*, the eighteenth Year of his Reign, of 'his ſpecial Grace, and for the Affection that he bear- 'eth unto his Prelates, Earls, and Barons, and other of 'his Realm, hath granted, That all under his Allegi- 'ance, whatſoever they be, as well ſpiritual as other, 'which can verify by good Enqueſt of the Country, or 'otherwiſe, that they and their Anceſtors or Prede- 'ceſſors have uſed any Manner of Liberties, whereof 'they were impleaded by the ſaid Writs, before the 'Time of King *Richard* our Couſin, or in all his Time, 'and have continued hitherto (ſo that they have not 'miſuſed ſuch Liberties) that the Parties ſhall be ad- 'journed further unto a certain Day reaſonable before 'the ſame Juſtices, within the which they may go to 'our Lord the King with the Record of the Juſtices, 'ſigned with their Seal, and alſo Return; and our Lord 'the King, by his Letters Patents, ſhall confirm their 'Eſtate. And they that cannot prove the Seiſin of 'their Anceſtors or Predeceſſors in ſuch Manner as 'is before declared, ſhall be ordered and judged after 'the Common Law; and ſuch as have the King's 'Charter ſhall be judged according to their Char- 'ters.

2 Inſt. 594. Fitz. Brief, 886. Kel. 137, &c. Bro. Quo Warranto, 1, 2, 3, 4, 6, 8, 11. Bro. Preſcription, 10, 14, 18, 32, 33, 34, 52, 54, 64, 65, 73, 83, 98, 107, 108. Bro. Franchiſe, 4, 10, 14, 22, 26, 37.

They which have Liberties by Preſcription ſhall enjoy them.

'II. Moreover, the King of his ſpecial Grace hath 'granted, that all Judgments that are to be given in 'Pleas of *Quo Warranto*, by his Juſtices at *Weſtmin- 'ſter*, after the foreſaid *Eaſter*, for our Lord the King 'himſelf, if the Parties grieved will come again before 'the King, he of his Grace ſhall give them ſuch Re- 'medy as before is mentioned. Alſo our ſaid Lord 'the King hath granted, for ſparing of the Coſts and 'Expences of the People of his Realm, that Pleas of '*Quo Warranto* from henceforth ſhall be pleaded and 'determined in the Circuit of the Juſtices, and that 'all Pleas now depending ſhall be adjourned into their 'own Shires, until the coming of the Juſtices into 'thoſe Parts.'

Liberties by the King's Grant. Fitz. Conuſance, 16, 19, 21, 26, 30, 31, 36, 39, 46, 51, 54, 57, 60, 61, 62, 63, 64.

Where Pleas of Quo Warranto ſhall be determined. Raſt. 540.

Another New Statute of Quo Warranto, *Stat.* 3. *made the ſame Year to that Effect.* *

Cotton *MS. Claudius*, D. 2.

PUR ceo brief qeſt dit quo Waranto eſtabliſt noſtre Seign' le Roi le jour de la Pentecoſt lan de ſon regne xviii. qe touz ceux qi cleiment avoir quite poſſeſſion des fraunchiſes avant le temps le Roi Richard ſaunz interrupcion & ceo

'CONcerning the Writ that is called *Quo War- 'ranto*, our Lord the King, at the Feaſt of *Pen- 'tecoſt*, in the eighteenth Year of his Reign, 'hath eſtabliſhed, That all thoſe which claim to have 'quiet Poſſeſſion of any Franchiſe before the Time of

Liberties by Preſcription or the King's Grant.

* This is taken from the *Secunda pars veterum Statutorum*, and is inſerted in the Editions of Mr. Juſtice Raſtal, &c.

'King *Richard*, without Interruption, and can ſhew 'the ſame by a lawful Enqueſt, ſhall well enjoy their 'Poſſeſſion; and in caſe that ſuch Poſſeſſion be de-'manded for Cauſe reaſonable, our Lord the King 'ſhall confirm it by Title. And thoſe that have old 'Charters of Franchiſe, ſhall have the ſame Char-'ters adjudged according to the Tenor and Form of 'them. And thoſe that have loſt their Liberties 'ſith *Eaſter* laſt paſſed by the foreſaid Writ, accord-'ing to the Courſe of Pleading in the ſame Writ here-'tofore uſed, ſhall have Reſtitution of their Franchiſe 'loſt, and from henceforth they ſhall have according
Raſt. 540. 'to the Nature of this preſent Conſtitution.'

Cotton *MS.*

puiſſent monſtrer per bone enqueſte bien ſe joient de cele poſſeſſion. Et ſi celle poſſeſſion ſoit demaunde per raiſon noſtre Seigd' le Roi le confermera per title Et ceux qi ount veuz chartres des fraunchiſes ſerrount les chartres ajuggez ſelonc la tenure & la fourme de meſmes celes chartres. Et ceux qi ount perdu lour fraunchiſes puis le Paſqe darrein & per levantdit brief en la fourme avant uſe en plee del avantdit brief eient reſtitucion de lour fraunchiſes perduz & derechief pledent ſelonc la nature de la preſente conſtitucion.

Modus levandi Fines, Anno 18 EDW. I. *Stat.* 4. Anno Dom. 1290.

The Manner of levying of Fines: What Things be requiſite to make them good, and who are bound by them.

2 Inſt. 510. 5 Co. 39. The Order of levying of a Fine. * *Or* Who will give? Sir, R.

Raſt. 349. The Form of a Fine.

'WHEN the Writ original is delivered in Pre-'ſence of the Parties before Juſtices, a Plea-'der ſhall ſay this, *Sir Juſtice, Conge, de ac-'corder*; and the Juſtice ſhall ſay to him, * *What 'ſaith Sir R.* and ſhall name one of the Parties. 'Then, when they be agreed of the Sum of Money 'that muſt be given to the King, then the Juſtice 'ſhall ſay, *Cry the Peace.* And after the Pleader 'ſhall ſay, *In ſo much as Peace is licenſed thus unto you 'W. S. and A. his Wife, that here be, do acknowledge 'the Manor of B. with the Appurtenances contained in 'the Writ, to be the Right of our Lord the King, which 'he hath of their Gift, to have and to hold to him and 'his Heirs, of the ſaid W. and A. and the Heirs of A. 'as in Demeans, Rents, Seigniories, Courts, Pleas, 'Purchaſes, Wards, Marriages, Reliefs, Eſcheats, 'Mills, Advowſons of Churches, and all other Franchi-'ſes and free Cuſtoms to the ſaid Manor belonging, pay-'ing yearly to R. and his Heirs, as chief Lords of the 'Fee, the Services and Cuſtoms due for all Services.* 'And it is to be noted, That the Order of the Law 'will not ſuffer a final Accord to be levied in the 'King's Court without a Writ original, and that 'muſt be at the leaſt before Four Juſtices in the Bench, 'or in Eyre, and not elſewhere, and in Preſence of 'the Parties named in the Writ, which muſt be of 'full Age, of good Memory, and out of Priſon. And 'if a Woman Covert be one of the Parties, then ſhe 'muſt be firſt examined by Four of the ſaid Juſtices; 'and if ſhe doth not aſſent thereunto, the Fine ſhall 'not be levied. And the Cauſe wherefore ſuch So-'lemni y ought to be done in a Fine, is, becauſe a 'Fine is ſo high a Bar, of ſo great Force, and of ſo 'ſtrong Nature it itſelf, that it concludeth not only 'ſuch as be Parties and Privies thereto, and their 'Heirs, but all other People of the World, being of 'full Age, out of Priſon, of good Memory, and with-'in the Four Seas, the Day of the Fine levied, if 'they make not their Claim of their Action within a 'Year and a Day by the Country.'

What Things be requiſite to make a Fine good. 27 Ed. 1. ſtat. 1. c. 1.

What Perſon ſhall be concluded by a Fine. 1 R. 3. c. 7. 4 H. 7. c. 24. 4 Co. 125. 4 Ed. 3. f. 46. 15 Ed. 2 ſtat. of Carliſle, *requiring Conuſor to appear perſonally, if able.* *For the Doctrine of Fines ſee farther Index, tit.* Fines and Recoveries.

Cotton *MS. Claudius*, D. 2.

QUANT le brief original ſoit lieu en preſence des parties devant Juſtices Donqes dirra un countour iſſint Sire Juſtice conge daccorder Le Juſtice luy dirra Que durra Sire Robt & nomera un des parties dount quant ils ſerrount une gent de la ſomme de la pecune qeſt done au Roi donqes dirra la Juſtice criez la pees & puis dirra le countour iſſint Qe la pees eſt ycele a voz congez qe William & Alice ſa femme qe cy ſount reconniſſent le manoir de B. ove les appertenantz contenuz en le brief eſtre droit de R. come cel qil ad de le doun a aver & tenir a luy & ſes heirs de William & Alice & a les heirs Alice come en demeigne rentes ſeigneries countes plees purchaces gardes mariages reliefs eſchetes molours Avoeſouns degliſes & toute auters fraunchiſes & fraunks cuſtumes a lavantdit manoir appertenauntz rendant per an a Robt & A ſes heirs a chief ſeignerages de fee ſervices dues & cuſtumee pur touts ſervices. Et fait aſſavoir qe ordre de ley ne ſuffre mie qe finale accorde ſoit leve en la courte le Roi ſaunz brief original & ceo a tote le meins devant quatre Juſtices en Baunk ou en Eire & nounpas aillours et en preſence des parties nomez en le brief qe ſont de pleine age & de bone memorie & hors du priſone. Et ſi femme covert de Baroun ſoit une des parties donqe covient qele ſoit primerement confeſſe des quatre Juſtices avantditz Et ſi ele ne ſent la fine ne ſe levera mye. Et la cauſe pur quoi tiele ſolempnite doit eſtre faite en cele fine qe fine eſt ſi haute bare & de ſi graunt force & de ſi puiſſaunt nature en ſoi qel forclos nemye ſoulement ceux qi ſount parties & prives a la fine & lour heirs mes touz auters gentz du monde qe ſount de plein age hors du priſone de bone memorie & dedeinz les quaters meers le jour de la fine leve ſils ne metrount lour clayme de lour accion ſur la pie dedeinz lan & le jour.

The Statute of Vouchers, *made* Anno 20 EDW. I. *Stat.* 1. *and* Anno Dom. 1292.

In a Plea of Land the Tenant voucheth, and the Demandant counterpleadeth.

Cotton *MS. Veſpaſian*, B. 7.

CUM tenens in placito terre vel ten' temporibus retroactis vocaverit aliquem ad Warrantum & petens ſuper hoc verificare voluerit quod nec vocatus nec aliquis anteceſſorum ſuorum a tempore ſeiſine anteceſſ. ipſius petentis fuerit in ſeiſina de tenementis predictis nec in dominico nec in ſervitio ſi ille vocatus ad Warrantum preſens fuerit & gratis tenenti warrantizare voluerit predicta verificatio petentis admitti non conſuevit niſi vocatus abſens fuerit & hoc ratione cujuſdam ſtatuti domini Regis nuper editi inter cetera prima ſtatuta Weſtm'.

Propter quod dominus Rex animadvertens fraudem deceptionem & malitiam & etiam dampnum ſuum & exhereditationem corone ſue in caſu predicto in Curia ſua multotiens poſſe intervenire & iſto die intervenerit cum quidam tenentes de ipſo domino Rege in capite per baroniam integram in quodam placito pendente coram Juſtic' de banco vocaverint ad Warrantum de demanda particulariter quoſdam garcones ignotos & extraneos quos preſentes duxerint & quorum anteceſſores aut ipſimet nunquam in terris que warrantizaverint aliquod jus habuerint aut in aliquibus terris aut tenementis aliis in regno ſuo neque in dominico neque in ſervicio prout a diverſis domini Regis fidelibus teſtatur ut per cautelam illam fraudem & maliciam ipſi per baroniam tenentes auferre poſſent domino Regi miſericordiam ſuam in quam inciderint ſi petentes demandam ſuam recuperarent.

Et ſimiliter cum garcones warrantizaverint videlicet quilibet de portione quam warrentizaverit poſſunt ſe defendere per corpus ſervientis proviſi & conducti per ipſos baroniam tenentes & ſic ſuper uno brevi de una demanda jam fuerint duo vel tria duella vadieta quod durum eſſet & exemplum pernicioſum tempore futuro pro pauperibus petentibus verſus magnates & divites qui ſe per maliciam predictam defendere voluerint nec petens contra dictos warrantos qui vocati fuerunt verificationem ſuam in forma predicta habere poſſent eo quod ipſi vocati preſentes fuerint & gratis warrantizaverint; de conſilio ſuo communi ſtatuit & confirmavit, quod de cetero videlicet a feſto ſancti Hilarii anno regni ſui xx° & precepit obſervari; quod quicumque tenens aliquem vocaverit ad Warrantum & petens in forma predicta verificare voluerit, admittatur ejus verificatio ſive vocatus fuerit abſens ſive preſens, nullo habito reſpectu ad ejus preſentiam vel abſentiam.

"WHEREAS the Tenant impleaded in a Plea of Land or Tenement heretofore had vouched to Warranty, and thereupon the Demandant would aver, that neither he that is vouched, nor any of his Anceſtors (ſince the Time that the Anceſtor of the Demandant was ſeiſed) was in Poſſeſſion of the ſaid Lands, neither in Demean nor in Service, if the Party vouched were preſent, and would warrantiſe the Land freely unto the Tenant, ſuch Averment of the Demandant hath not been uſed to be admitted, unleſs the Party vouched had been abſent, and that by Reaſon of a certain Statute of the King lately made amongſt other Statutes of *Weſt.* 1. Voucher. Vouched. 3 Ed. 1. c. 40.

"II. Wherefore our Lord the King, conſidering the Fraud, Deceit, and Malice, and alſo his own Damage, and Diſheriſon of his Crown, that in the ſaid Caſe hath many Times happened in this Court, and daily doth, whereas ſome holding of the King in chief by a whole Barony, in a Plea hanging before the Juſtices of the Bench, upon their Demand do vouch particularly, baſe Perſons unknown and Strangers (which they will bring forth) and of whom neither they nor their Anceſtors had ever any Thing in the Lands that they warranted, nor in any other Lands or Tenements within this Realm, neither in Demean nor in Service, as hath been teſtified by divers of the King's faithful Subjects; ſo that by ſuch Cautel, Fraud, and Malice, the ſame Tenants, holding by an entire Barony, do defraud the King of the Amerciament that they ſhould incur, if the Demandant ſhould recover againſt them. In Plea of Land, the Tenant voucheth one preſent, and the Demandant counterpleadeth the Voucher.

"III. And likewiſe when ſuch baſe Perſons have warranted, that is to wit, every one for his Portion that he ought to warrant, he may defend himſelf by the Body of his Servant procured and hired by them that hold Baronies, and ſo upon one Writ and one Demand there were two or three Wagers of Battail, the which was a hard and perilous Example for poor Men in Time coming, that ſhall be Demandants againſt great and rich Men, which will defend themſelves by the Malice aforeſaid; and the Demandant cannot have his Averment againſt ſuch Warrantors, when they be vouched in Form aforeſaid, becauſe they be preſent, and will warrantiſe freely:" 'By his Common Council hath ordained, and from henceforth, that is to ſay, from the Feaſt of St. *Hilary*, the Twentieth Year of his Reign, he hath commanded to be obſerved, that when the Tenant doth vouch any to Warranty, and the Demandant will aver in Form before rehearſed, his Averment ſhall be admitted, whether the Party vouched be abſent or preſent, without any Reſpect had unto his Abſence or Preſence.' Averment. Fitz. Voucher, 276. *By* 14 *Ed.* 3. *ſtat.* 1. *c.* 18. *Averment ſhall be received that Vouchee is dead, &c.*

A Statute

A Statute of Waſte, *made* Anno 20 EDW. I. *Stat.* 2. *and* Anno Dom. 1292.

Tenant for Life committeth Waſte, he in the Reverſion brought an Action of Waſte, and dieth before Judgement, his Heir brought an Action for the ſame Waſte.

Not a Statute. Maynard Ed. 2. 231.

" WILLIAM BUTLER, which is within Age, and in Ward of our Lord the King, hath ſhewed unto his Highneſs, that where *Gawin Butler* his Brother (whoſe Heir he is) had impleaded one *Walter de Hapeton* by the King's Writ, for Waſte and Deſtruction made by him the ſaid *Walter* in certain his Lands and Tenements, which the ſame *Walter* held for Term of his Life, of the Inheritance of the foreſaid *Gawin* in *Wimme* and *Thirke*; and the foreſaid *Gawin*, before he had obtained Judgment, died, after whoſe Death the foreſaid *William* by like Writ impleaded the foreſaid *Walter* for the Waſte and Deſtruction made by him of long Time. The ſame *Walter*, before *Gilbert Thornton* and his Companions, aſſigned to hear the King's Pleas, came in, and ſaid, that he ought not to anſwer to the ſame *William* for the Waſte and Deſtruction made in the Time of another, before the Right of the ſaid Inheritance deſcended unto him, and thereupon demanded Judgement. And foraſmuch as certain Juſtices did not agree in giving of the ſaid Judgement, becauſe it ſeemed to ſome that it ſhould not be agreeable to the Law, that any Perſon ſhould obtain Advantage and Recompence by the foreſaid Writ, which is a Writ of Treſpaſs done to a Perſon certain, but only the ſame Perſon to whom and in whoſe Time the Treſpaſs was done; other Juſtices, with the more Part of the King's Council, were in the contrary Opinion, alledging by divers Reaſons, that the ſaid *William* ought to be heard and anſwered unto, and all other whatſoever they be, in like Caſes or in like Treſpaſſes: And becauſe like Matters have remained not amended, and Treſpaſſes unpuniſhed, which was inconvenient:"

'II. Wherefore our Lord the King, in his full Parliament holden the Day after the Feaſt of the *Purification*, in the Twentieth Year of his Reign, by a general Council hath ordained, and from henceforth hath commanded to be ſtraitly obſerved, That every Heir (in whoſe Ward ſoever he be, and as well within Age as of full Age) ſhall have his Recovery by a Writ of Waſte in the foreſaid Caſe, and alſo in other where the ſame Writ ought to hold Place; and it ſhall hold Place as well for Waſte and Deſtruction made in Lands and Tenements of his own Inheritance, and as well in the Times of his Anceſtors, as at any other Time that the Fee and Inheritance deſcended unto him, and ſhall be anſwered unto therefore; and that he ſhall recover the Tenements waſted, and Damages, as it is ordained in the Second Statute of *Weſtminſter*, of Damages to be recovered in a Writ of Waſte, if the Tenant be convict of Waſte. And it is commanded by the King himſelf unto the ſame *Gilbert Thornton* and his Companions, that they do proceed in the foreſaid Matter, and in otherlike from henceforth, and Judgement ſhall be given according as the Matter is found. And likewiſe it is commanded unto the Juſtices, that they ſhall cauſe all the foreſaid Things to be ſtraitly obſerved before them from henceforth.'

13 Ed. 1. ſtat. 1. c. 14.

Regiſt. 73. 2 Roll Abr. 824. pl. 9. 825.

Cotton *MS. Claudius*, D. 2.

WILLELMUS le Botiller qui infra etatem eſt & in cuſtodia domini Regis monſtravit domino Regi quod cum Gawynus le Botiller frater ejus cujus heres ipſe eſt implacitaſſet Walterum de Hopton' per breve domini Regis de vaſto & deſtruccione factis per ipſum in quibuſdam terris & ten' ſuis que idem Walterus tenuit ad terminum vite ſue de hereditate predicti Gawyni in W. & Tirlegh' Et Gawynus antequam judicium executus fuiſſet obiit poſt cujus mortem predictus Willelmus per conſimile breve predictum Willelmum de predictis vaſto & deſtruccione factis per multum tempus implacitaverit Idem Willelmus coram Gilberto de Thornton' & ſociis ſuis ad Placita ejuſdem domini Regis aſſignatis venit & dixit quod non debet ipſo Willelmo de vaſto & deſtruccione factis tempore alieno reſpondere deſicut nichil de hereditate predicta ei defendebat & ſuper hoc petiit judicium Et quia quidem Juſtic' de reddicione predicti judicii non concordarunt prout quibuſdam videbatur quod non eſſet juri conſonum ſi per predictum breve quod eſt quoddam breve de tranſgreſſione certe perſone facta ſi altera perſona commodum aut emendas conſequatur quam eadem perſona cui & in cujus tempore tranſgreſſio facta fuerit Aliis autem Juſtic' & majori parte totius Anglie de conſilio domini Regis in contraria opinione exiſtentibus & per diverſas rationes aſſerentibus quod predictus Willelmus inde audiri deberet & reſponderi & aliis quandocumque in caſibus conſimilibus & in caſu conſimili res permanſerunt non emendate & tranſgreſſores impuniti quod eſſet inconveniens.

Dominus Rex habito tractatu diligenti in pleno parliamento ſuo in Craſtino Pur' beate Marie Anno regni ſui viceſimo de communi conſilio ſtatuit & extunc juſſit firmiter obſervari, quod heres in cujuſcumque cuſtodia fuerit & tam plene etatis quam infra etatem habeat ſuum recuperare per breve de vaſto in caſu predicto & aliis caſibus ubi breve illud locum habeat tam de vaſto & deſtruccione factis in terris & ten. de hereditate ſua temporibus Anteceſſorum quam a tempore quo jus & feodum hereditatis ei deſcendebant & ei reſpondeatur & quod recuperet ten' vaſtata & dampna prout ſtatuitur in ultimo ſtatuto Weſtm' de dampnis recuperandis ſi tenens de vaſto convincatur Et preceptum eſt per ipſum dominum Regem Gilberto de Thornton' & ſociis ſuis quod in loquela predicta & conſimilibus procedant & ſecundum quod inveniri contigerit judicium reddant. Et ſimiliter preceptum eſt aliis Juſtic' quod hoc idem coram eis de cetero faciant firmiter obſervari.

See 11 *H.* 6. *c.* 5. *where Waſte is maintainable againſt a Tenant who grants over his Eſtate and takes the Profits. And ſee Index, tit.* Waſte.

The

The Statute De Defensione Juris, *made* 20 Edw. I. *Stat.* 3. *and* Anno Dom. 1292.

Where a Stranger coming in by a collateral Title, not Party to the Suit, shall be received.

Cotton *MS. Claudius*, D. 2.

CUM quis per breve domini Regis petat tenementa versus tenentem per legem Anglie per feodum talliatum nomine dotis vel alio modo ad terminum vite vel annorum & petens tantum fuerit prosecutus quod tenementa sint quasi admittenda & sibi adjudicanda & super hoc venerit ante judicium redditum aliquis a latere dicens se habere feodum & jus in tenementis illis & Curie supplicaverit quod ex quo ante judicium venerit tenementum suum defensurus & paratus inde petenti respondurus quod ad hoc admittatur racione cujusdam statuti domini Regis nunc inter cetera ultima statuta Westm' editi per quod statutum tam nullum jus habentes quam illi qui jus habuerunt multotiens in casu predicto falso & in deceptionem Curie supervenerunt & petierunt se admitti responsuros ut per admissionem suam possent petentes de novo implacitare & sic petentes in Curia Regis in casu predicto sepius elongantur jure suo per maliciam supradictam de statuto predicto supervenientem quam ex justa causa aut rationabili prout coram Justic' multotiens contingit & invenitur propter quod dominus Rex ad malitiam predictam in casu predicto destruendam, remedium volens apponere, in pleno parliamento suo, & de communi consilio suo, statuit & firmiter de cetero videlicet a die lune proxima post Purificationem beate Virginis anno regni sui vicesimo precepit observari, quod cum aliquis a latere ante judicium in casu predicto supervenerit & petierit se admitti inveniet sufficientem securitatem prout visum fuerit curie ad respondendum petenti de valore exituum tenementi sic admittendi a die quo recipitur responsurus usque diem quo judicium finale fiet super petitione petentis & si ille petens demandam suam recuperet graviter amercietur si habeat unde & si non habeat committatur gaole ad voluntatem Regis Et si verificare poterit jus suum esse tale quale illud asseruit quando petiit ipsum admitti eat quietus, &c.

"WHERE one by the King's Writ doth demand any Tenements against Tenant by the Courtesie, in Tail, in Dower, or for Term of Life, or of Years, and the Demandant sueth so far that the Lands be in Manner recovered, whereupon another, not Party to the Suit, cometh in before Judgment given, and saith, That he hath Fee and Right in those Lands, and prayeth the Court, that in as much as he is come before Judgement, ready to defend his Tenement, and to make Answer unto the Demandant, that he may be admitted thereunto by Force of a Statute made by the King that now is, amongst other the last Statutes made at *Westminster*; by which Statute as well such as had no Right, as they which had Right, oftentimes in the Case before mentioned, falsly, and in Deceit of the Court did come in, and pray to be received to make Answer, that by their Admission they might prolong the Demandant from the Judgement and Seisin of his Land, and to cause those Demandants to plead of new; and so the Demandants are greatly deferred in the Case aforesaid to recover their Right in the King's Court, by reason of such Malice, as well by mistaking of the said Statute, as for any other Cause just and reasonable; and this is used and found often before our Justices:"

'Wherefore our Lord the King, to withstand all such Malice in the aforesaid Case, and intending to provide a Remedy therein, in his full Parliament, and by his Common Council, hath ordained, and from henceforth commanded straitly to be observed, that is to wit, from the *Monday* next after the Feast of the *Purification* of the Virgin, the Twentieth Year of his Reign, that when any before Judgement in the foresaid Case cometh in by a collateral Title, and desireth to be received, before his Receipt he shall find sufficient Surety (as the Court will award) to satisfie the Demandant of the Value of the Lands so to be recovered, from the Day that he is received to make Answer until the Time that final Judgement be given upon the Petition of the Demandant. And if the Demandant recover his Demand, the Defendor shall be grievously amerced, if he have whereof; and if he have not, he shall be imprisoned at the King's Pleasure. And if he can prove his Right to be as good as he affirmed at such Time as he was received, he shall go quit.'

By 13 R. 2. stat. 1. c. 17. *a Reversioner may be received in a Suit against the particular Tenant.* Kel. 110, 160. Fitz. Resceit, 76, 80, 99, 189.

STATUTUM DE MONETA, 20 Edw. I. Stat. 4.

Cotton *MS. Claudius*, D. 2. [a]

ENCOUNTRE les damages & les perils qe sount avenuz cea en ariere & purrount aven' de la Monoye Dengleterre est issint ordenez qil soit crie & defendu per le Roi en toute le Roialme en toutes les villes marchaundes qe nul homme sur grief forfaiture ne soit si hardy despendre mettre ou resceiv' autre monoie dautre coigne qe del coigne le Roi Dengleterre Dirland' & Descoce.

[a] These three Statutes are taken from the *Veterum Statutorum secunda pars.*

Cotton *MS.*

Unqore qil defendu de par le Roi qe nul apporte deniers en ceo pais ſi ceo ne ſoit pur ſes deſpences ne ſoit ſi hardy de ariver en Engleterre ſi force de tournement ne lui chace per bone teſtmoignance forſpris a Dovorr' & a Sandewyz a Loundres & a ſeint Botolf a Southampton & as autres de cynk portes quant il vendra as aſcuns de ceux lieux qil bien & loialment monſtre ſes deniers a celui qi ſerra aſſigne depar le Roi ſanz nul concelement ſur forfaiture du corps & des averes.

Et qi dilloeqes ne apporte ne alloigne le av' per lui ne per autre jeſqes a taunt qe la monoye ſoit vewe & examine per celui qe le Roi aſſignera.

Derechief qil ſoit crie & defendu depar le Roi ſur forfaiture du corps & de avoir qe nulle homme ſoit ſi hardy de mettre nulle monoye entre draps & fardeux nen hales ou en aſcune manere dount ſuſpecion puiſſe eſtre de nul concelement Et ſi nul tiel ſeit trove celui qe lui trovera eit quatre deniers de la livre & tout le remenaunt ſoit au Roi.

Unqore qil ſoit crie & comaunde per le Roi qi qe trove denier feru dautri coigne qe del coigne le Roi Dengleterre ou Deſcoce ou Dirland ou denier retoundu qe il le perde Et qe nul' ne ſoit ſi hardy de countredire le ſure forfaiture & ceo qil trovera faux qil ſoit deſpeſce ſaunz rendre Et le corps celui en qi main le faux denier ou retoundu appiert trove ſoit pris & reſceu jeſqes a taunt qil eit trove ſon garaunt ſi tiel ſoit homme ſuſpecionous.

Et purceo qe nuls des gentz poures ou riches ne ſavent conuſtre les legier deniers & les retounduz ſi eſt ordene que qui deſoremes devera reſceiv' ou deliverer deniers les reſceive ou livre per pois de v. s. enamunt & de v. s. enavale per toumbrell livere per gardein del eſchaunge merche del merche le Roi ſicome ſount les meſures.

Et bien liſt a cheſcun de percer le denier qe de riens paſſera le Toumbrell' & le denier dautre coigne qe del coigne le Roi Dengleterre Dirland' & Deſcoce les pois ſerrount auxibien liverez & merchez per le gardein del chaunge come le Toumbrell'

De veours & gardours de la monoie qe vendra de la outre quant qil avera regarde al oiel il poiſera & ſil trove de novel x deniers qe la livre ne poiſe mye xx. s. per noumbre de quatre deniers donqes regarde il per le Toumbrell' la ou le defaute ſerra Et ſil ſoit devers deniers qe molt ſount uſez ſi toſt entrerent la liv' xx. s. & al meins ſoient liverez a celui qe les avera porte ſaunz countredit mes ſi pluis y entrent face auxi de ceux come des autres & le gardour avantdit ſi preigne bone garde qil ne preigne doun ou louer pur faire nulle manere de deſport ne extorcion ne face noundue auxint come ils voillent ſauver ſoi & ſes biens.

Statutum de Moneta parvum, 20 Edw. I. Stat. 5.

Cotton *MS. Claudius*, D. 2.

Edwardus Dei Gratia Rex Anglie Dominus Hibernie & Dux Aquitanie Vic. Lincoln ſalutem. Quia mercatores alienigene & etiam quidam indigene regni noſtri de die in diem deferunt in idem regnum de partibus tranſmarinis monetam noſtram retonſam & aliam de diverſis cuneis contrafactum monete noſtre commixtam negotiantes & mercantes de eadem moneta in noſtri damnum & totius populi noſtri non modicum acetiam in ſubverſionem totius monete noſtre Nos ſuper hoc ne fortaſſis per tolerantiam longiorem periculum majus immineat remedium adhibere volentes tibi precipimus ſicut alias quod in pleno comitatu tuo & in ſingulis civitatibus & villis mercatoriis ejuſdem comitatus firmiter inhiberi & publice proclamari facias Ne quis mercator alienigena vel quicunque alius hujuſmodi monetam noſtram retonſam ſeu etiam aliam de alienis cuneis contrafactam de cetero in regnum deferat vel etiam ea in merchandizando vel negotiando utatur Quod ſi fecerint prima vice qua ſuper hoc deprehenſi fuerint monetam illam retonſam vel etiam aliam contrafactam amittant Et ſi iidem iterum in conſimili dellicto deprehenſi fuerint monetam illam & etiam alia bona ſua ſecum inventa amittant Et ſi tertia vice idem delictum commiſerint & deprehenſi fuerint de corporibus ſuis & etiam de omnibus bonis & catallis ſuis nobis totaliter incurratur. Alii autem qui mercatores non fuerint & monetam noſtram retonſam vel aliam contrafactam habuerint ſtatim eam perforent & ad excambium noſtrum tranſmittant de novo ſub cuneo noſtro cudendam Alioquin in quorum manibus hujuſmodi moneta reperta fuerit Nobis ſit penitus forisfacta. Et niſi hoc mandatum noſtrum plene exequaris Nos ad te & tua gravitur capiemus T. W. de Marchia Theſ. noſtro xxi die Jun. Anno regni noſtri xx.

ARTICULI DE MONETA, 20 Edw. I. Stat. 6.

Cotton *MS. Claudius*, D. 2.

Ces ſount les articles qe ſount dela la meer & de cea a graunt damage noſtre Signur le Roi & de ſon poeple & a graunt corrupcion de ſa monoye Dengleterre.

Primerement homme fait la outre une manere de monoie dargent ove une mitre les xx s. de la quele monoie ne poiſe meſque xvi s. iiij. d. Dengleterre.

Derechief lem fait autres deux maneres de monoie ove liouns dount il y ad bendes en la une monoie & en lautre nient mes qils ſount auxi legiers come la monoie de mytre.

Unqore lem fait auxibien de cea come de la une manere de faux monoie qe eſt pure dequiver & eſt blaunche & quant ele eſt novele ele reſemble la monoye Dengleterre.

Cotton *MS.*

Il y ad unqore une manere de moneye qeſt fait en Avynein deſouz le noun EDWARD Roi Denglettere qe pois auxi poi ou meins qe la monoie de la mitre & ceo ne poet eitre conue ſi ceo ne ſoit per pois.

Lautre fauſin qe lem faite en la monoie ſi eſt qil ad aſcuns qi portent plates de peutre ou de plombe a la fourme dun denier ſi les mettent entre deux foilles dargent & puis les ferrount ou en coigne ou en quire ou autre denier bien forge ad eſte feru.

Les autres auxibien de cea come de la retoundent la bone & loial monoie au damage de toute la comunalte.

Ceſtes monoyes qe ſount faites ou retounduz hors Denglettere ſount apportez per treſpaſſourz & nomement per marchauntz Et purceo qils ſavent bien qe homme les ſerche a Dovorr' il les mettent entre draps en bales ſi ne viegnent nient a Dovorr' ne a Sandewiz mes ils viegnent a Loundres ou en Eſſex' ou en Suſſex' ou en Lyndeſey les queux choſes ſi eles fuiſſent longement ſuffertz celes metteront la monoye Dengleterre toute a nient.

Stat. De iis qui ponendi ſunt in Aſſiſis, *made* 21 EDW. I. *Stat.* 1. *and* Anno Dom. 1293.

What Freehold Lands Jurors muſt have, which ſhall paſs in Trial within the ſame County, or without.

Ex Rot. in Turr. Lond. *m.* 41.

QUIA Dominus Rex per publicam & frequentem querimoniam mediocris populi ſui attendens quod quamplures de regno ſuo minus ſufficientes ad recognitiones juratarum inquiſitionem aſſiſarum & attinctarum extra comitatus proprios faciend' per vicecomites ballivos ſuos & ballivos libertatum ditioribus & magis ſufficientibus per quos rei veritas melius ſciri poſſet parcentes ſepius & intolerabiliter fatigantur per quod multa diſpendia & incomoda quoad depauperationem populi predicti & exheredationem multorum ſimiliter de die in diem imminent manifeſte Idem Dominus Rex indempnitati ejuſdem populi proſpiciens ac ſalubre remedium in premiſſis deſiderans adhiberi ad communem utilitatem in parliamento de termino ſancti Michaelis anno regni ſui viceſimo primo incipiente anno ſecundo ſtatuit in hac parte quod nullus vicecomes ſubvicecomes vel eorum ballivi ſeneſcalli ſive ballivi libertatum de cetero ponant in aliquibus recognitionibus ſupradictis aliquem de ballivis ſuis extra comitatus ſuos proprios faciendis niſi habeat terras aut ten' ad valentiam centum ſolidorum per annum ad minus. Nec intendit Dominus Rex per ſtatutum iſtud infringere ultimum ſtatutum Weſtm' in quo fit mentio de recognitoribus ponendis in juratis & in aſſiſis niſi de hiis tantummodo qui extra com' proprium ire debeant ad recognitiones aliquas faciend' Ita tamen quod infra com' coram Juſticiar' aſſignatis vel aliis miniſtris Domini Reg' ad juratas inquiſitiones ſeu alias recognitiones capiendas non ponatur aliquis niſi habeat terras vel ten' ad valentiam quadraginta ſolidorum per annum ad minus Et ſalvo ſimiliter quod coram Juſticiar' itinerantibus ad communia placita in Itineribus ſuis & etiam in Civitatibus Burgis & aliis villis mercatoriis in quibus recognitiones aſſiſe jurate ſeu inquiſitiones emerſerint faciende ſuper quibuſcumque Civitates Burgos ſeu villas illas tangentibus fiat prout temporibus preteritis fieri conſuevit. Teſte

“ FOraſmuch as our Lord the King, by the con- 2 Roll 486.
“ tinual and grievous Complaint of his infe-
“ rior People, doth perceive that divers Perſons,
“ being of leaſt Ability of his Realm, are many Times
“ intolerably troubled by Sheriffs and their Bailiffs,
“ Bailiffs of Liberties, which impanel them to the
“ Recogniſances of Aſſiſes, Juries, Inqueſts, and At-
“ taints, triable out of the Shires where they be dwel-
“ ling; and do ſpare the rich People, and ſuch as be
“ more able, by whom the Truth of the Matter might
“ be better known, whereby great Expences and
“ Trouble doth daily manifeſtly enſue, to the Impo-
“ veriſhment and utter diſheriting of many:” ‘ Our
‘ ſaid Lord the King, providing for the Indemnity
‘ of his People, and deſiring to ſet convenient Re-
‘ medy in the Premiſſes for the public Weal of his
‘ Realm, in his Parliament holden in the Term of
‘ Saint *Michael*, the one and twentieth Year of his
‘ Reign, hath ordained in this Behalf, That no She-
‘ riff, Under-ſheriff, or their Bailiffs, Stewards, or
‘ Bailiffs of Liberties, ſhall from henceforth put in
‘ any Recogniſance aboveſaid, that ſhall paſs out of
‘ their proper Counties, any of their Bailiffs, except
‘ he have Lands and Tenements, to the yearly Value
‘ of an hundred Shillings at the leaſt. And the King
‘ intendeth not by this Statute to reſtrain the laſt Sta-
‘ tute of *Weſtminſter*, wherein mention is made of
‘ Recogniſors to be put in Juries and Aſſiſes, but of
‘ ſuch only as ought to paſs in Aſſiſes, Juries, and Re-
‘ cogniſances triable out of their proper Counties; ſo
‘ that within the County before Juſtices of our Lord
‘ the King, or other Miniſters aſſigned to the taking
‘ of any ſuch Inqueſts, Juries, or other Recogniſan-
‘ ces, none ſhall be impanelled, except he have Lands
‘ or Tenements to the yearly Value of forty Shillings;
‘ and likewiſe ſaving that before Juſtices Errant,
‘ that hold Common Pleas in their Circuit, and alſo
‘ in Cities, Boroughs, and other Market Towns,
‘ where Recogniſances, Aſſiſes, and Juries or Inqueſts
‘ do paſs upon any Matter touching the ſaid Cities,
‘ Boroughs, and other Towns, it ſhall be done like as
‘ hath been accuſtomed in Times paſſed. *T. R.* at the
‘ Tower

What Freehold Land thoſe Jurors muſt have which paſs in Trials.
Kel. 97.
13 Ed. 1. ſtat. 1. c. 38. *See farther for the Qualification of Jurors, Index, tit.* Juries.
Juries in Cities or Boroughs.

28 Ed. 1. ſtat. 3. c. 9.
27 El. c. 6.

'*Tower of London*, the xiii Day of *December*, in the 'xxii Year of his Reign.'

Ex Rot. in Turr. Lond.

R. apud Turrim London xiij. die Decembr' anno regni ſui viceſimo ſecundo[a].

A Writ to the Sheriff to proclaim this Statute.

Rex, &c. Quia ad communem utilitatem populi noſtri & regni, de communi concilio ejuſdem regni ſtatuerimus, ne aliquis ponatur in juratis, aſſiſis, ſeu recognitionibus aliquibus extra comitatum ſuum proprium faciendis, niſi habeat terras aut tenementa ad valentiam centum ſolidorum per annum ad minus, nec infra comitatum ſuum, niſi habeat terras aut tenementa ad valentiam xls. per annum ad minas, prout in ſtatuto illo quod tibi mittimus ſub ſigillo noſtro, & quod in omnibus & ſingulis articulis ſuis de cætero obſervari volumus, & firmiter teneri, plenius continetur: Tibi præcipimus, & firmiter injungimus, quod ſtatutum illud in pleno comitatu tuo, & in civitatibus, burgis, & villis mercatoriis, & aliis locis publicis & ſolemnibus in balliva tua, ubi neceſſe fuerit, & in expedire videris, legi & publice proclamari, & illud in omnibus & ſingulis ſuis articulis (quantum in te eſt) obſervari facias & firmiter teneri. Et hoc ſicut grave dampnum tuum vitare volueris, nullo modo omittas. Teſte, &c.

Stat. De Malefactoribus in Parcis, *made* Anno 21 EDW. I. *Stat.* 2, *and* Anno Dom. 1293.

In what Caſes the Killing of Offenders in Foreſts, Chaſes, or Warrens, is puniſhable, in what not.

Co. Lit. 233.
Co. Ent. 643.
20 *H.* 3. *c.* 11.
3 *Ed.* 1. *c.* 20.

'TO the Intent that Treſpaſſers in Foreſts, Chaſes, Parks, and Warrens, may more warily fear hereafter to enter and treſpaſs in the ſame, than they have heretofore, Our Lord the King, at his Parliament after *Eaſter*, the xxi Year of his Reign, at the Inſtance of the Nobles of his Realm, hath granted and commanded to be from henceforth firmly obſerved, That if any Foreſter, Parker, or Warrener ſhall find any Treſpaſſers wandring within his Liberty, intending to do Damage therein, and that will not yield themſelves to the Foreſters, Warreners, or Parkers, after Hue and Cry made to ſtand unto the Peace, but do continue their Malice, and, diſobeying the King's Peace, do flee, or defend themſelves with Force and Arms; although ſuch Foreſters, Parkers, and Warreners, or any other coming in their Company, and aiding ſuch Foreſters, Parkers, and Warreners, in the King's Peace, do kill any Offender or Offenders being ſo found, either in arreſting or taking them, or any of them, they ſhall not be troubled upon the ſame before the King or his Juſtices, or before any other the King's Bailiffs, or any other within any Franchiſe or without, nor ſhall leeſe for ſo doing either Life or Limb, or ſuffer any other Puniſhment, but ſhall enjoy the King's Peace as they did before.

Dyer 327.
8 Co. 138.
1 *H.* 7. *c.* 7. *makes it Felony to hunt diſguiſed in Parks, &c. See farther* 3 *W.* & *M. c.* 10. *And* 4 & 5 *W.* & *M. c.* 23. § 4. *extending the Laws to incloſed Grounds where Deer are kept, and to Lords of Manors and Game-keepers.*

'II. Notwithſtanding, let all ſuch Foreſters, Parkers, Warreners, and all other beware, that by reaſon of any Malice, Diſcord, Debate, or other evil Will or Hatred had before time, they do not maliciouſly pretend againſt any Perſon paſſing through their Liberties, that they came thither for to treſpaſs or miſdo, when of truth they did nothing, nor were not found as Treſpaſſers, or intending to treſpaſs, and ſo kill them; for if they do, and be convict thereupon, the Death of ſuch Perſons ſhall be inquired, and Execution ſhall be done, in like Manner as is done for other of the King's Subjects ſtanding in his Peace, and like as it ought to be done of Right, and according to the Law and Cuſtom of the Realm.'

Cotton *MS. Claudius*, D. 2.

UT malefactores in foreſtis chaceis parcis & Warennis de cetero plus timeant in eiſdem intrare & malefacere quam conſueverunt, Dominus Rex ad parliamentum ſuum poſt Paſcha Anno regni ſui viceſimo primo ad inſtanciam Magnatum regni ſui conceſſit et firmiter extunc precepit obſervari quod ſi quis foreſtarius parcarius aut warennarius in balliva ſua malefactores aliquos invenerit in balliva ſua vacantes ad dampnum ibidem faciend' & qui ſe foreſtariis parcariis aut warennariis illis poſt clamorem & uteſium levatum ad pacem Regis adſtand' recto reddere noluerint immo maliciam ſuam proſequendo & continuando & pacem Regis diffugiendo fugam fecerint & vi & armis ſe defenderint licet foreſtarii parcarii & warennarii illi ſeu alii quicumque ad pacem Domini Regis exiſtentes & in comitiva foreſtariorum parcariorum aut warennariorum illorum venientes ad tales malefactores ſic inventos areſtandos ſeu capiendos aliquem ſeu aliquos hujuſmodi malefactorum interfecerint non propter hoc occaſionentur coram Domino Rege vel Juſtic' ſuis quibuſcumque aut aliis ballivis Domini Regis ſeu aliorum quorumcumque infra libertatem aut extra nec propter hoc amittant vitam vel membrum aut aliam penam ſubeant immo firmam pacem Domini Regis inde habeant.

Sed bene caveant foreſtarii parcarii warennarii & alii quicumque ne occaſione contencionis diſcordie contumelie aut alicujus malivolencie ſeu odii prehabitorum aliquibus per ballivas ſuas tranſeuntibus malicioſe imponant quod cauſa malefaciendi in ballivis ſuis intrant cum hoc non fecerint nec ipſos vagantes ut malefaciant nec malefacientes invenerint nec cauſam malefaciendi querentes & ſic eos occidant quod ſi fecerint & de hoc fuerint convicti fiat de morte ſic interfectorum prout aliorum ad pacem Domini Regis exiſtencium & prout de jure & ſecundum conſuetudinem regni fuerit faciendum.

[a] *This Note is on the Roll*, viz. Et memorand' quod iſtud ſtatutum de verbo ad verbum miſſum fuit in Hibern'. T. R. apud Kenyton xiiij die Auguſti anno regni ſui viceſimo ſeptimo. Et mandatum fuit Johanni Wogan juſtic' Hibern' quod predictum ſtatutum per totam Hibern' in locis quibus expedire viderit legi & publice proclamari ac firmiter teneri faciat. T. R. ut ſupra.

The

The Statute of the Writ of Consultation, *made* 24 EDW. I. *and* Anno Dom. 1296.

In what Case a Consultation is grantable.

Cotton *MS. Claudius*, D. 2.

CUM Judices eccleſiaſtici ad proſequend' in cauſis coram ipſis agitatis per prohibic' Domini Regis ſepius ſuperſedeant in caſibus ubi remedium conquerentibus ad Cur' Domini per breve de Cancellar' ſua fieri non poſſit propter quod querentes illi in utraque Cur' tam Regia quam eccleſiaſtica jure ſuo & remedio ſunt elongati ad grave dampnum ipſorum prout Dominus Rex ex gravi querela quorundam intellexit.

Dominus Rex vult & precepit quod cum Judices eccleſiaſtici per prohibicionem Regiam ſibi porrectam ſuperſedeant in caſibus predictis quod Cancellar' vel Capitalis Juſtic' ipſius Domini Regis qui pro tempore fuerit viſo libello illius cauſe ad inſtanciam querentis ſi viderint quod per breve de Cancellar' querenti remedium in ſuo caſu fieri non poſſit ſet quod ad Cur' eccleſiaſticam pertineat cauſam illam determinare ſcribant Judicibus coram quibus cauſa illa prius fuit agitata quod in cauſa illa procedant non obſtante prohibicione Regia ſibi prius inde directa, &c. Dat. anno xviii°.

" WHEREAS Eccleſiaſtical Judges have often ſurceaſed to proceed in Cauſes moved before them, by Force of the King's Writ of Prohibition, in Caſes wherein Remedy could not be given to Complainants in the King's Court, by any Writ out of the Chancery, whereby ſuch Plaintiffs were deferred of their Right and Remedy in both Courts, as well Temporal as Spiritual, to their great Damage, like as the King hath been advertiſed by the grievous Complaint of his Subjects:" ' Our Lord the King willeth and commandeth, That ' where Eccleſiaſtical Judges do ſurceaſe in the aforeſaid Caſes, by the King's Prohibition directed unto ' them, that the Chancellor, or the Chief Juſtice of our ' Lord the King for the Time being, upon Sight of ' the Libel of the ſame Matter, at the Inſtance of the ' Plaintiff (if they can ſee that the Caſe cannot be redreſſed by any Writ out of the Chancery, but that ' the Spiritual Court ought to determine the Matters) ' ſhall write to the Eccleſiaſtical Judges, before whom ' the Cauſe was firſt moved, that they proceed therein, ' notwithſtanding the King's Prohibition directed to ' them before.

12 H. 7. f. 22. 2 H. 4. f. 9. *By* 50 Ed. 3. c. 4. *no Prohibition allowed after Conſultation duly granted.*

Regiſt. 44. Raſt. 483.

Statutes made at LONDON *the Tenth Day of* October, Anno 25 EDW. I. *Stat.* 1. *and* Anno Dom. 1297[a].

CAP. I.

A Confirmation of the Great Charter, and the Charter of the Foreſt.

Ex Rot. in Turr. Lond. *m.* 38.

EDWARD par le grace de Dieu roy dEngleterre ſeignur dIrland e Ducs dAquitaine a toutz ceus qui ceſtes preſentes lettres verront ou orront ſaluz. Sachiez nous al honeur de Dieu e de ſeinte egliſe e au profit de tut noſtre Roiaume aver grante pur nous e pur nos heirs qe la Grand Chartre des Franchiſes e la Chartre de la Foreſt les queles furent faites par commun aſſent de tut le Roiaume en tens le rey HENRY noſtre pere ſeient tenuz en toutz lour pointz ſanz nul blemiſement. E voloms qe meiſmes celes chartres de ſuth noſtre ſeal ſeient envoiez a nos Juſtices auſibien de la foreſt come as autres e a toutz les viſcontes des contez e a toutz nos autres miniſtres e a totes nos citees parmi la terre enſemblement ove nos briefs en les queux ſerra contenu qil facent les avantdites chartres pupplier e qil facent dire au poeple qe nous les avoms grauntees de tenir les en toutz leur pointz E a nos Juſtices viſcontes maires e autres miniſtres qi la ley de la terre de ſouth nous e par nous ount a guier meiſmes les chartres en toutz leur

" EDWARD, by the Grace of God, King of *England*, Lord of *Ireland*, and Duke of *Guian*, to all thoſe that theſe preſent Letters ſhall hear or ſee, greeting." ' Know ye that we, to the ' Honour of God, and of Holy Church, and to the ' Profit of our Realm, have granted for us and our ' Heirs, that the Charter of Liberties, and the Charter ' of the Foreſt, which were made by common Aſſent ' of all the Realm, in the Time of King HENRY our ' Father, ſhall be kept in every Point without Breach. ' And we will that the ſame Charters ſhall be ſent ' under our Seal, as well to our Juſtices of the Foreſt, ' as to others, and to all Sheriffs of Shires, and to all ' our other Officers, and to all our Cities throughout ' the Realm, together with our Writs, in the which ' it ſhall be contained, that they cauſe the foreſaid ' Charters to be publiſhed, and to declare to the People ' that we have confirmed them in all Points; and ' that our Juſtices, Sheriffs, Mayors, and other Miniſters, which under us have the Laws of our Land ' to guide, ſhall allow the ſaid Charters pleaded before

Farther confirmed by 28 Ed. 1. ſtat. 3. c. 1.

[a] This is taken from the *Secunda pars veterum Statutorum*, and is in all the Engliſh Editions: It is called *Confirmatio Cartarum*.

Ex Rot. in Turr. Lond.

The Great Charter the Common Law.

'them in Judgment in all their Points, that is to wit, 'the great Charter as the Common Law, and the 'Charter of the Foreſt according to the Aſſiſe of the 'Foreſt, for the Wealth of our Realm.'

pointz en plez devaunt eus e en Jugementz les facent alower ceſt aſavoir la Grand Chartre des Franchiſes come ley commune e la Chartre de la Foreſt ſolom laſſiſe de la foreſt al amendement de noſtre poeple.

CAP. II.

Judgments given againſt the ſaid Charters ſhall be void.

2 Inſt. 526.

'AND we will, that if any Judgement be given 'from henceforth contrary to the Points of the 'Charters aforeſaid by the Juſtices, or by any other 'our Miniſters that hold Plea before them againſt the 'Points of the Charters, it ſhall be undone, and 'holden for nought.'

Farther confirmed by 42 Ed. 3. c. 1.

EVoloms qe ſi nuls jugementz ſeient donez deſoremes encontre les pointz des chartres avantdites par Juſtices e par autres nos miniſtres qui contre les pointz des chartres tenent ples devant eus ſeient defaitz e pur nient tenuz.

CAP. III.

The ſaid Charters ſhall be read in Cathedral Churches twice in the Year.

'AND we will, that the ſame Charters ſhall be 'ſent, under our Seal, to Cathedral Churches 'throughout our Realm, there to remain, and ſhall be 'read before the People two Times by the Year.'

2 Inſt. 527.

EVoloms qe meſmes celes chartres de ſuth noſtre ſeal ſeient envoies as egliſes cathedrales parmi noſtre Roiaume e la demorgent E ſeient deuſoitz par an lues devant le poeple.

CAP. IV.

Excommunication ſhall be pronounced againſt the Breakers of the ſaid Charters.

2 Inſt. 527.

'AND that all Archbiſhops and Biſhops ſhall pro- 'nounce the Sentence of Excommunication 'againſt all thoſe that by Word, Deed, or Council 'do contrary to the foreſaid Charters, or that in any 'Point break or undo them. And that the ſaid Curſes 'be twice a Year denounced and publiſhed by the 'Prelates aforeſaid. And if the ſame Prelates, Biſhops, or any of them, be remiſs in the Denunciation of the ſaid Sentences, the Archbiſhops of *Canterbury* and *York* for the Time being ſhall compel 'and diſtrain them to the Execution of their Duties 'in Form aforeſaid.'

EQE Erceveſques e Eveſques doignent ſentences du grant eſcomeng' contre toutz ceus qui contre les avantdites chartres vendront en fait ou en ayde ou en conſeil ou nul point enfreindront ou encontre vendront. E qe celes ſentences ſeient denuncies e pupplies deuſoitz par an par les avantditz prelatz. E ſi meſmes les prelatz eveſques ou nul de eus ſeient negligentz en la denunciacion ſuſdite faire par les Erceveſques de Canterbire e de Everwyk qui per tens ſerront ſicome covient ſoient repris e diſtreinz a meſme cele denunciacion faire en la fourme avauntdite.

CAP. V.

Aids, Taſks, and Priſes granted to the King ſhall not be taken for a Cuſtom.

2 Inſt. 527.

"AND for ſo much as divers People of our Realm "are in Fear, that the Aids and Taſks which "they have given to us beforetime towards our Wars "and other Buſineſs, of their own Grant and good "Will (howſoever they were made) might turn to a "Bondage to them and their Heirs, becauſe they might "be at another Time found in the Rolls, and likewiſe "for the Priſes taken throughout the Realm by our "Miniſters in our Name:" 'We have granted for 'us and our Heirs, that we ſhall not draw ſuch Aids, 'Taſks, nor Priſes into a Cuſtom, for any Thing 'that hath been done heretofore, be it by Roll or any 'other Precedent that may be founden.'

EPur ceo qe aucunes gentz de noſtre Roiaume ſe doutent qe les aides e les miſes les queles il nous ount fait avant ces oures pur nos guerres e autres boſoignes de leur grant e leur bone volunte en quele manere qe faits ſeient puſſent turner en ſervage a eus e a leur heirs par ce qil ſerroient autrefoitz trovez en roule e auſi priſes qe ont eſte faites par my le Roiaume par nos miniſtres en noſtre noun avoms grante pur nous & pur nos heirs qe mes tieles aides miſes ne priſes ne treroms a cuſtume pur nule choſe qe ſoit fait ou qe par roule ou en autre maniere peuſt eſtre trove.

CAP. VI.

The King or his Heirs will take no Aids or Priſes, but by the Conſent of the Realm, and for the common Profit thereof.

2 Inſt. 529.

'MOreover we have granted for us and our Heirs, 'as well to Archbiſhops, Biſhops, Abbots, Priors, and other Folk of holy Church, as alſo to Earls,

EAuſi avoms grante pur nous e pur nos heirs as Erceveſques Eveſques Abbes e Priurs e as autres gentz de ſeinte egliſe e as Contes e Barons e a

tote

Ex Rot. in Turr. Lond.

tote la communaute de la terre qe mes pur nule buſoigne tieu manere des aides miſes ne priſes de noſtre Roiaume ne prendroms fors qe par commun aſſent de tut le Roiaume e a commun profit de meiſme le Roiaume ſauve les auncienes aides e priſes dues e cuſtumees.

'Barons, and to all the Communalty of the Land, 'that for no Buſineſs from henceforth we ſhall take 'ſuch Manner of Aids, Taſks, nor Priſes, but by the 'common Aſſent of the Realm, and for the common 'Profit thereof, ſaving the ancient Aids and Priſes due 'and accuſtomed.'

Enforced by 34 Ed. 1. ſtat. 4. c. 1.

CAP. VII.

A Releaſe of Toll taken by the King for Wooll; and a Grant that he will not take the like without common Conſent and good Will.

E Pur ceo qe tut le plus de la communaute del Roiaume ſe ſentent durement grevez de la male toute des leines ceſt aſavoir de cheſcun ſak de leine quarante ſoudz e nous ont prie que nous les vouſiſſoms releſſer nous a leur priere les avoms pleinement releſſe e avoms grante qe cele ne autre mes ne prendroms ſanz lour commun aſſent e leur bone volunte ſauve a nous e a nos heirs la cuſtume des leines peaus e quirs avaunt grantez par la communaute du Roiaume avauntdit. En teſmoignance de queux choſes nous avoms fait faire ceſtes nos lettres overtes. Teſmoigne EDWARD noſtre fitz a Londres le diſme jour de Octobr' lan de noſtre regne vintiſme quynt[a].

"AND for ſo much as the more Part of the Com-"munalty of the Realm find themſelves ſore "grieved with the Maletent of Woolls, that is to wit, "a Toll of Forty Shillings for every Sack of Wooll, "and have made Petition to us to releaſe the ſame;" 'We at their Requeſts have clearly releaſed it, and 'have granted, that we ſhall not take that or any 'other without their common Aſſent and good 'Will, ſaving to us and our Heirs the Cuſtom of 'Woolls, Skins, and Leather, granted before by the 'Communalty aforeſaid. In Witneſs of which 'Things we have cauſed theſe our Letters to be made 'Patents. Witneſs EDWARD our Son at *London* the 'tenth Day of *October*, the five and twentieth Year 'of our Reign.'

2 Inſt. 76.

Enforced by 34 *Ed.* 1. *ſtat.* 4. *c.* 3. *See farther Proviſions in Index, tit.* Wool.

Sententia Domini R. Archiepiſcopi ſuper premiſſis, Anno 25 EDW. I. Stat. 2.

E perantiquo MS.

EN noun du Pere & del Fitz & du Seint Eſperit Amen. Cum noſtre Seignur le Rei al honur de Dieu & al commun profiſt de ſon Realme ad grante pur li & pur ſes heirs a tenir en ſon Reaume a tuz jours les choſes ſuthdites Robert Erceveſk de Canturb. Primat de tut Engleterre amoneſtoms une foiz. ii. foiz. & la tierce foiz. pur ceo ke le breſte du temps plus long delai ne ſuffre, touz ceus de Reaume de Engleterre & cheſcun de eus de quel eſtat ou de quel condition il ſeient ke touz & cheſcun de eus tant cum en eus eſt ceſtes choſes grantees per noſtre Seignur le Rei avantdit tiegnent & meintenent entierement en touz lour points E ke eus ne nul de eus encontrevenent ne enfreinent ne nul point ne en nul temps procurent ou conſeilerunt ou en nule manere aſſenteront de encontravener de fet ou de dit apertement ou covertement per nule manere de colour. Nous avantdit Robert Erceveſk de Canturbur. per noſtre autorite en ceſt eſcriſt eſcomengeoms & del corps Noſtre Seignur Jeſu Chriſt & de tote la compaynie de Ciel & de touz les ſacramentz de Seintz Eſgliſe deſeverums. Fiat Fiat. Amen.

Excommengement.

Stat. De Finibus levatis, *made* Anno 27 EDW. I. *Stat.* 1. *and* Anno Dom. 1299.

Ex Rot. in Turr. Lond. *m.* 37.

EDWARDUS Dei gracia Rex Angl' Dominus Hibernie & Dux Aquitanie Vicecomiti Lancaſtr' Salutem. Cum nuper ante transfretacionem noſtram in Flandr' apud Weſtm' nos habentes reſpectum ad graves miſas & expenſas que populus regni noſtri fecerat & ſuſtinuerat diverſis modis pro nobis tam tempore pacis quam guerre habuiſſemus non modicam Voluntatem & deſiderium populum ipſum reſpicere prout tunc temporis potuimus conceſſimus eidem populo de noſtra propria voluntate pro nobis & heredibus noſtris quod magna carta de libertatibus obſervetur in omnibus punctis ſuis & ſimiliter carta de

[a] *The following* Memorandum *is found upon the Roll*, viz. E fet a remembrer qe meiſme ceſte chartre ſuth meiſmes les paroles de mot en mot fuſt ſele en Flaundres de ſuth le grant ſeal le rey ceſt aſaver a Gaunt le quint jour de Novembr' lan del regne lavantdit noſtre ſeignur le rey vintiſme quint e envee en Engleterre.

foreſta

Ex Rot. in Turr. Lond.

foreſta ſervetur ſalvis tamen juramento noſtro jure corone noſtre & racionibus noſtris ac eciam aliorum que quidem per Venerabilem Patrem R. Archiepiſcopum Cantuar' ex parte noſtra & in noſtra preſencia tunc pronunciari fecimus et deinde apud Odimere in ipſo paſſagio noſtro in Flandr' eandem conceſſionem ſub ſigillo noſtro obſervari precipiendo mandavimus & teneri per totum regnum noſtrum in quolibet Comitatu. Et quia a tempore illo citra per artacionem & diſtricionem guerrarum eramus occupati multipliciter & diſtracti in diverſis Patriis & longinquis propter quod ſcire nequivimus ſtatum regni noſtri Nos diebus iſtis quatenus nobis vacat noſtram continuantes primariam voluntatem habuimus deliberacionem ſuper conceſſione noſtra predicta et ad honorem Dei & ſancte Matris eccleſie ac commodum tocius populi regni noſtri Volumus quod predicta magna carta de libertatibus obſervetur in omnibus punctis ſuis et carta eciam de Foreſta ſecundum ſubſcriptos articulos qui ſunt tales Inquiſicio vel Viſus, &c. [*Prout in* Cart. de Foreſt. *c.* 6. *et deinde ad* coram eo terminentur.] Quos autem Articulos ſupradictos firmiter & inviolabiter obſervari Volumus & teneri volentes nichilominus quod perambulacio fiat Salvis ſemper juramento noſtro jure Corone noſtre & racionibus noſtris atque calumpniis Ac omnium aliorum Ita quod perambulacio illa nobis reportetur antequam aliqua Execucio vel aliquid aliud inde fiat quam quidem perambulacionem Volumus quod fiat ſicut predicitur adcicius quod fieri poterit poſt negocia que habemus expedienda cum nunciis qui de Romana Curia ſunt venturi que vero ita ſunt ardua quod non ſolum nos & regnum noſtrum ſet totam Chriſtianitatem contingunt & ad ea ſanius pertractanda totum conſilium noſtrum habere plenarie indigemus Et poſt conceſſionem noſtram factam ſicut ſuperius exprimitur de premiſſis diligenti Meditacione penſavimus quoſdam juris Defectus multimoda gravamina & oppreſſiones que pluribus aliis modis prefato populo ſunt illata temporibus retroactis & Volumus ſuper illis que nobis occurebant adpreſens ad alleviacionem & commoditatem ejuſdem populi pro legis certitudine ſtabilire & remedium apponere in hunc modum.

CAP. I.

No Exception to a Fine that the Demandant was ſeiſed. Fines ſhall be openly read.

2 Inſt. 121.

" FOraſmuch as Fines levied in our Court ought " and do make an End all Matters, and therefore " are called *Fines* principally, where after waging of " Battail or the great Aſſiſe in their Caſes ever they " hold the laſt and final Place. And now by a certain " Time paſſed, as well in the Time of King HENRY " of famous Memory, our Father, as in our Time, " the Parties of ſuch Fines and their Heirs, contrary " to the Laws and Cuſtoms of our Realm of ancient " Time uſed, were admitted to adnul and defeat ſuch " Fine, alledging, that before the Fine levied, and at " the levying thereof, and ſince, the Demandants or " Plaintiffs, or their Anceſtors, were alway ſeiſed of " the Lands contained in the Fine, or of ſome Parcel " thereof; and ſo Fines lawfully levied were many " Times unjuſtly defeated and adnulled by Jurors of " the Country falſly and maliciouſly procured;" 'we

No Exception to a Fine, that the Demandant was always ſeiſed. Raſt. 349, &c. 3 Co. 88. Fitz. Replic. 62, 63, 66. 42 Ed. 3. f. 19.

' therefore, intending to provide a Remedy in the ' Premiſſes, in our Parliament at *Weſtminſter* have ' ordained, that ſuch Exceptions, Anſwers, or Inquiſi- ' tions of the Country, ſhall from henceforth in no ' wiſe be admitted contrary to ſuch Recogniſances or ' Fines. And further we will, That this Statute ſhall ' as well extend unto Fines heretofore levied, as to ' them that ſhall be levied hereafter. And let the

Fines ſhall be openly read, and then all Pleas ſhall ceaſe. 18 Ed. 1. ſtat. 4. of Fines. 15 *Ed.* 2. *Conuſors ſhall be perſonally preſent.*

' Juſtices ſee that ſuch Notes and Fines, as hereafter ' ſhall be levied in our Court, be read openly and ſo- ' lemnly, and that in the mean Time all Pleas ſhall ' ceaſe; and this muſt be at two certain Days in the ' Week, according to the Diſcretion of the Juſtices.'

ſhall bar Entails. 31 El. c. 2. *abridging Proclamation; and ſee farther* 1 *Mar. ſtat.* 2. *c.* 7. 23 *Eliz. c.* 3. *And* 4 *Ann. c.* 16.

QUIA fines in Curia noſtra levati finem litibus debent imponere & imponunt & ideo *fines* vocantur maxime cum poſt duellum & magnam aſſiſam in ſuo caſu ultimum locum & finalem teneant & perpetuum. Jamque per aliquod tempus preteritum tam tempore clare memorie domini HENRICI regis patris noſtri quam noſtro partes eorundem finium & earum partium heredes contra leges & conſuetudines regni antiquitus uſitatas ſuper hujuſmodi finibus evacuandis & adnullandis admittebantur proponentes quod ante finem levatum & tempore levationis ejuſdem & poſtea petentes ſeu querentes aut eorum anteceſſores de tenementis in finibus contentis aut de aliqua parte eorum ſemper fuerunt ſeiſiti & ſic finis hujuſmodi rite levati per juratores patrie falſo ſubornatos & malicioſe procuratos multotiens evacuabantur & adnullabantur minus juſte volentes ſuper premiſſis remedium adhibere in parliamento noſtro apud Weſtm' ſtatuimus quod dicte exceptiones ſeu reſponſiones vel inquiſitiones patrie ſuper hujuſmodi exceptionibus ſeu reſponſionibus nullo modo contra hujuſmodi recognitiones & fines decetero admittantur. Et volumus quod ſtatutum iſtud tam locum habeat ad fines prius levatos quam impoſterum levandos. Et videant Juſtitiarii quod note & fines in Curia impoſterum levandi publice & ſolempniter legantur & quod placita interim ceſſent omnino & hoc fiat per duos dies in ſeptimana ſecundum diſcretionem Juſticiar'.

1 R. 3. c. 7. *who are bound by Fines.* 4 H. 7. c. 24. *how often Fines to be proclaimed.* 32 *H.* 8. *c.* 36. *where Fines levied according to Statute*

CAP. II.

A Sheriff ſhall levy no more Iſſues than he hath Warrant for. His Tallies.

A Sheriff ſhall execute his Warrant in levying of Iſſues, and no more.

' WE have alſo ordained, by the Advice of our ' Council, That from henceforth Sheriffs ſhall ' not be charged of any Iſſues to be levied, nor ſhall ' levy any before they paſs out of the Exchequer, there ' to be delivered by the Extreats of the Juſtices;

ITEM ordinavimus de concilio noſtro quod vicecomites decetero non onerentur de aliquibus exitibus levandis, nec aliquos levent antequam exeant de ſcaccario per extractas Juſtic' ibidem liberandas & quod in extractis Juſtic' ſingula capita

onerentur

Ex Rot. in Turr. Lond.

onerentur de exitibus ſuis forisfactis ſicut & de amerciamentis. Et ſi forſitan aliquis vicecomes reſponderit de exitibus alicujus recognitoris vel plegii ſeu manucaptoris per ipſum appoſiti & in Cur' noſtra retornati qui ad ſolutionem eorumdem exituum ſeu amerciamentorum tempore returni non ſufficiat idem vicecomes ad ſcaccarium noſtrum inde oneretur & reſpondeat. Et caveant ſibi vicecomites ſub gravi forisfactura quod decetero faciant ſingulis tallias de denariis quibuſcumque per preceptum noſtrum per ipſos vicecomites & ſubditos ſuos receptis. Et quod non retornent alicubi nomina manucaptorum juratorum ſeu aliorum niſi ipſi manucaptores juratores ſeu alii ſecundum tenorem breviuni noſtrorum vicecomitibus inde directorum ad hoc legaliter manifeſte premuniantur. Nec retornent aliqua nomina plegiorum liberorum hominum niſi ipſi manifeſte pleg' ſe conceſſerunt. Et ſuper hoc ſtatuimus quod quolibet anno ſemel per annum mittantur unus Baronum & unus clericus de dicto Scaccario noſtro per ſingulos com' Angl' ad imbreviandum nomina omnium qui anno illo debita per viridem ceram ab eis exacta ſolverunt. Et iidem Baro & clericus tallias illas videant & imbrevient & audiant & terminent querelas ſuper vicecomites & ballivos contra premiſſa venientes & graviter puniantur tranſgreſſores.

‘ and that in the Extreats of Juſtices every Head ſhall
‘ be charged for Iſſues forfeited, like as of Amercia-
‘ ments. And if peradventure any Sheriff will an-
‘ ſwer for the Iſſues of any Recogniſor, Pledge or
‘ Mainpernor, by him undertaken and returned into
‘ our Court, which at the Time of the Return is not
‘ able to pay ſuch Iſſues or Amerciaments, the Sheriff
‘ ſhall be charged, and ſhall anſwer therefore in our
‘ Exchequer. And let the Sheriffs beware under
‘ Pain of great Forfeiture, that from henceforth they
‘ do make Tallies of all ſuch Money as they or their
‘ Officers have received by our Commandment; and
‘ that they do not return any where the Names of
‘ any Mainpernors, Jurors, or any other, except ſuch
‘ Mainpernors, Jurors, or others, according to the
‘ Tenour of our Writs being directed to the Sheriffs
‘ for the ſame Cauſe, be lawfully and manifeſtly im-
‘ panelled thereupon. And they ſhall not return the
‘ Names of any Freemen as Pledges, unleſs they have
‘ manifeſtly agreed to become Pledges. And here-
‘ upon we have enacted, That at one Time certain
‘ every Year, one Baron and one Clerk of our
‘ ſaid Exchequer ſhall be ſent through every Shire
‘ of *England*, to inroll the Names of all ſuch as
‘ have paid that Year's Debts exacted on them by
‘ Green Wax. And the ſame Baron and Clerk ſhall
‘ view all ſuch Tallies, and inroll them, and ſhall
‘ hear and determine Complaints made againſt She-
‘ riffs and their Clerks and Bailiffs that have done
‘ contrary to the Premiſſes, and the Offenders ſhall be
‘ grievouſly puniſhed.’

What Tallies a Sheriff ſhall make.

The Sheriff's Return of Mainpernors, Jurors, &c.

A Baron and Clerk of the Exchequer to be ſent into every County.

CAP. III.

Juſtices of Aſſiſe ſhall be of Gaol-delivery, who ſhall puniſh Officers bailing ſuch as are not bailable.

QUIA vicecomites & alii temporibus retroactis latrones notorios & manifeſtos & pro morte hominis & aliis feloniis captos & impriſonatos & qui non ſunt repleg' per plevinam dimiſerunt contra formam ſtatuti noſtri de hiis qui ſunt irreplegiabiles & qui non nuper editi per quod ipſi malefactores irrepleg' ſic replegiati ad eorum deliberationem falſo faciendam juratores patrie per ſe & amicos ſuos ante adventum Juſtic' itinerantium aut aliorum ad eorum deliberationem aſſignatorum procurant & ſubornant aliiſque minantur per quod tam propter metum vicecomitum & aliorum per talem plevinam illos dimittentium quam timorem eorundem latronum ſeu felonum ſic liberatorum coram Juſtic' ad gaolas deliberandas aſſignatis homicidia & latroncinia ſuffocantur & ipſa ſic concelata penitus remanent impunita Nos pro utilitate regni noſtri & pace noſtra firmius obſervanda ſtatuimus & ordinavimus quod Juſtic' ad aſſiſas capiend' aſſignati in ſingulis com' ubi capiunt aſſiſas prout ordinantur ſtatim poſt aſſiſas captas in eiſdem com' remaneant ambo ſi laici fuerint & ſi unus ipſorum fuerit clericus tunc aſſociato illi Juſtic' qui laicus eſt uno de diſcretioribus militibus comitatus illius per breve noſtrum deliberent gaolas in com' illis tam infra libertates quam extra de priſonibus quibuſcumque ſecundum formam deliberationis gaole com' illorum hactenus uſitatam. Et iidem Juſtic' tunc inquirant qui vicecomites & alii priſones aliquos irreplegiabiles per plevinam dimiſerunt vel in aliquo contra formam ſtatuti predicti

“ FOraſmuch as Sheriffs and others heretofore have let out by Replevin common Felons, and openly defamed, being taken and impriſoned for Murther and other Felonies, and ſuch as be not repleviſable, contrary to the Form of our Statute of Perſons repleviſable and not repleviſable, lately made, whereby ſuch Tranſgreſſors not repleviſable being ſo replevied, do, in order deceitfully to obtain their Delivery before the coming of the Juſtices Errant, or other aſſigned for their Deliverance, procure and ſuborn, by their Friends, the Jurors of the Country, and threaten others, whereby as well for Fear of the Sheriff, and other that let them at large by Plevin, as for Fear of the Thieves being ſo delivered, before the Juſtices aſſigned for Gaol-deliveries, ſuch Felonies and Murthers are concealed, and ſo being concealed, remain ſtill unpuniſhed;” ‘ We, for the Utility
‘ of our Realm, and for the more aſſured Conſervation
‘ of our Peace, have provided and ordained, That
‘ Juſtices aſſigned to take Aſſiſes in every County
‘ where they do take Aſſiſes, as they be appointed, in-
‘ continent after the Aſſiſes taken in the Shires, ſhall
‘ remain both together if they be Lay; and if one of
‘ them be a Clerk, then one of the moſt diſcreet Knights
‘ of the Shire being aſſociate to him that is a Layman,
‘ by our Writ ſhall deliver the Gaols of the Shires, as
‘ well within Liberties as without, of all Manner of
‘ Priſoners, after the Form of the Gaol-deliveries of
‘ thoſe Shires beforetime uſed. And the ſame Juſtices
‘ ſhall inquire then, if Sheriffs or any other have let
‘ out by Replevin Priſoners not repleviſable, or have
‘ offended

3 Ed. 1. c. 15.

Juſtices of Aſſiſe ſhall be alſo Juſtices of Gaol-delivery.

Stat. 2 Ed. 3. c. 2.

See 20 *Ed.* 3. *c.* 3. *concerning their Oath; and* 12 *Geo.* 2. *c.* 27. *empowering Juſtices of Gaol delivery to act in their own Counties.*

Puniſhment of Sheriffs for their Offences.

1 & 2 P. & M. c. 13. 28 Ed. 1. ſtat. 2. for Perſons appealed. See 3 H. 7. c. 3. giving Power to Juſtices of Peace to let Priſoners to Bail.

‘ offended in any Thing contrary to the Form of the ‘ foreſaid Statute lately made at *Weſtminſter*; and ‘ whom they ſhall find guilty, they ſhall chaſten and ‘ puniſh in all Things according to the Form of the ‘ Statute aforeſaid.’

Ex Rot. in Turr. Lond.

nuper apud Weſtm' editi deliquerunt et quos inde culpabiles invenerint ipſos in omnibus ſecundum formam ſtatuti predicti puniant & caſtigent.

1 & 2 P. & M. c. 13. giving farther Directions to ſuch Juſtices. Likewiſe 31 Car. 2. c. 2. § 7. for bailing Perſons committed for Treaſon or Felony, and not indicted the next Term; and 4 W. & M. c. 4. ordering that Bail may be taken by Judge of Aſſize.

CAP. IV.

Niſi Prius ſhall be granted before one of the Juſtices of the Court where the Suit is commenced.

“ ALSO where we have provided, that none ſhall “ be impanelled any where out of the Shire “ where he is dwelling, in Recogniſances, Enqueſts, “ and Juries, that have leſs than an hundred Shillings “ of Land, whereby as well they as others who have “ more Lands, by too often appearing as well in our “ Exchequer, as before our Juſtices of either Bench, “ are much impoveriſhed:”

By 12 Ed. 2. ſtat. 1. c. 3. *Pleas of Land ſhall be taken by Niſi Prius.* By 14 Ed. 3. ſtat. 1. c. 16. *Niſi Prius may be granted before Juſtice of another Court than where the Suit dependeth. And ſee Index, tit.* Niſi Prius. 13 Ed. 1. ſtat. 1. c. 30.

‘ II. We therefore, conſidering the intolerable Damage of our People, not only for the Diſcharge of ſuch Jurors, but alſo for the more ſpeedy Miniſtration of Juſtice to all Parties ſuing in our Court, have provided and ordained, that Enqueſts and Recogniſances determinable before Juſtices of either Bench, from henceforth ſhall be taken in Time of Vacation before any of the Juſtices before whom the Plea is brought, being aſſociate with one Knight of the ſame Shire where ſuch Enqueſts ſhall paſs, unleſs it be an Enqueſt that requireth great Examination. And ſo from henceforth in taking ſuch Enqueſts, the Juſtices ſhall do as to them ſhall ſeem moſt expedient for the common Utility of our Realm, notwithſtanding the Statute lately made at *Weſtminſter* upon the taking of ſuch Enqueſts, containing, that if any Enqueſts be taken contrary to the Form of the ſaid Statute, they ſhould be of none Effect.’

ITem cum ſtatuerimus quod nullus ponatur alicubi extra com' in inquiſitionibus recognitionibus & juratis aliquibus qui minus quam centum ſolidatas terre habeat per quod tam ipſi quam plus terre habentes propter frequentes tam ad Scaccarium quam coram Juſtic' de utroque Banco ſummonitiones depauperantur.

Nos tantam intolerabilem populi noſtri jacturam advertentes non ſolum ad eorumdem juratorum exonerationem ſet etiam ad celerem partibus in cur' noſtra placitantibus juſtitiam exhibendam ſtatuimus & ordinavimus quod inquiſitiones & recognitiones coram Juſtic' de utroque Banco decetero adjudicande capiantur tempore vacationis coram aliquo Juſtic' eorumdem coram quibus placitum deductum fuerit aſſociato illi uno milite com' illius ubi tales inquiſitiones emerſerint niſi fuerit inquiſitio magna indigens examinatione. Et ſic in hujuſmodi inquiſitionibus capiendis decetero fiat prout Juſtic' ad utilitatem regni noſtri potius eſſe viderint faciendum non obſtante ſtatuto nuper apud Weſtm' ſuper inquiſitionibus capiendis edito continente quod ſi omiſſa forma in ſtatuto illo ordinata alique inquiſitiones capiantur pro nullis penitus habeantur. Et ideo tibi precipimus firmiter injungentes quod ſtatim & ſine dilatione aliqua fac' legi & publicari in civitatibus burgis villis mercatoriis & locis aliis ſolempnibus per totam ballivam tuam ubi videris expedire omnes articulos ſupradictos ut illos quos conceſſimus ac teneri volumus & firmiter obſervari in forma predicta integre & inconcuſſe ac omnia & ſingula ſupraſcripta omnibus ſcire fac' indilate. T. R. apud Weſtm' ſecundo die April [a].

Ordinatio de Libertatibus perquirendis, *made* 27 EDW. I. *Stat.* 2. *and* Anno Dom. 1299.

In what Caſes the Writ of *Ad quod dampnum* is to be ſued. A Commiſſion may be granted to receive Atturneys for ſuch as be impleaded.

In what Caſes the Writ ad quod dampnum is to be uſed.

‘ IT is to be known, That the King ordained ‘ at *Weſtminſter*, the firſt Day of *April*, the ſeven ‘ and twentieth Year of his Reign, that ſuch as ‘ would purchaſe a new Park, and Men of Religion ‘ that would amortiſe Lands or Tenements, ſhould ‘ have Writs out of the Chancery to enquire upon

Cotton *MS. Veſpaſian*, B. 7.

FAIT aſſaver qe le Roy ordeina a Weſtm' le primer jour Daverell' lan de ſon regne xx° qe ceux qe voudreient purchacer novel emparkement & gentz de Religion qe vodreient terrez ou tenementz amortir eient briefe en la Chaunc' pur enquere ſolom lez pointz acuſtumez en tiels choſez

[a] *This Note is on the Roll,* Conſimile ſtatutum uſque ibi *Et ideo tibi precipimus,* &c. miſſum fuit ſubſcriptis videlicet Theſaurario & Baronibus de Scaccario Rogero de Brabanzoun & ſociis ſuis Juſtic' ad placita R. audienda & terminanda aſſignatis Johanni de Metingham & ſociis ſuis Juſtic' de Banco Regis cum clauſula iſta *Et ideo vobis mandamus quod cartam predictam coram vobis in Banco predicto legi & omnes & ſingulos articulos ſupradictos ut illos quos conceſſimus & teneri volumus quatenus vos & partes coram vobis placitantes contingunt integre & inconcuſſe obſervari faciatis.* T. R. *apud Weſtm' ſecundo die April'.*

Cotton *MS.*

Et qe lez enqueſtez dez terres & tenementz qe vaillent per an au pluis de xxs. ſoient mandez al Eſcheqier & la facent la fin pur le amortizeſment ou pur lemparkement auxi come lez enqueſtez averrent pur eux qe lez purchacent Et dillenqs ſoit mande au Chaunc' ou a ſon lieu tenant ceo qil deuera faire Et dez enqueſtez faitz pur terre amortir dez tenementz qe namont per an outre xx. s. per eſtente & de xx. s. en aval voet le Roy qe cellez ſoient envoiez au Chaunceller ou a ſon lieu tenant & quil preignent reſonable fin ſolom la quantite de la choſe & puis lez delivere.

En meſme la manere ſoit fait de ceux qe voudrent purchacer terre ou tenementz qe ſont tenuz du Roy en chief.

Item les gentz demurantz la outre qe voillent purchac' briefe de protection ou general attourne faire ſoient envoiez al Eſcheqier & la facent lour fin.

Item gentz de non poer de travailler & gentz de lointeins Countrez qe pledent ou qe ſont empledez eient brief de la Chaunc' a aſcun ſuffiſant homme qe reſceive lour attournez qant meſtre ſerra.

Et pur remembrance de ceſte choſe eſt ceſte endenture fait en treys parties dont lune demurge en la Chaunc' lautre en leſcheqier & la tierce partie en la garderobe.

'the Points accuſtomed in ſuch Things; and that 'Enqueſts of Lands or Tenements that be worth 'yearly more than Twenty Shillings, be returned 'into the Exchequer, and there make Fine for the 'Amortiſements, or for the Park having, if the En-'queſts do paſs for him that purchaſed them; and 'after it ſhall be certified unto the Chancellor or his 'Deputy, that he take a reaſonable Fine therefore, 'and after make Delivery.

'II. In like Manner they ſhall do, that will purchaſe Lands in chief, 'Lands or Tenements holden of the King in chief.

'III. Alſo People dwelling beyond the Sea, that Purchaſing of Protections, Making general Atturneys. 'have Lands, Tenements, or Rents in *England*, if 'they will purchaſe Letters of Protection, or will 'make general Atturneys, they ſhall be ſent unto the *See* 33 *Ed.* 1. 'Exchequer; and there ſhall make their Fines, and *ſtat.* 1. 'from thence ſhall be ſent unto the Chancellor or his 'Deputy, for that which he ought to do therein.

'IV. In like Manner they ſhall do, that will pur-Purchaſing of Liberties. 'chaſe any Fair, Market, Warren, or any other Li-'berty. Alſo ſuch as will purchaſe attermining of 'their Debts ſhall be ſent into the Exchequer.

'V. Alſo, ſuch as be not able to travel, and People Atturney. 20 H. 3. c. 10. Raſt. 96. 'that dwell in far Countries from the Chancery, 'which plead or be impleaded, ſhall have a Writ out 'of the Chancery to ſome ſufficient Man, that ſhall 'receive their Atturneys when Need is.

'VI. And for a Remembrance of theſe Things, 'there is an Indenture made, divided into Three 'Parts, whereof one Part remaineth in the Chancery, 'another in the Exchequer, and the Third in the Regiſt. 247, &c. Raſt. 25. 'Wardrobe.'

Stat. De falſa Moneta, *made* Anno 27 EDW. I. *

Ex Rot. in Turr. Lond. *m.* 37.

EDWARD par la grace de Dieu roi dEngleterre ſeignur dIrland e Ducs dAquitaine a viſcunte de Sumerſete e Dorſete ſaluz. Pur ceo qe noſtre Roiaume e les autres terres de noſtre ſeignurie ſunt replenis de diverſe mauveiſes monees que ſunt appellez Pollardz e Crokardz e par autres nons les queles ſont portees e mys en dit Roiaume e aillours en noſtre poer par diverſe gentz de la outre e la eins deſpendues diverſement a grant dammage de nous e de tout noſtre poeple nous par commun aſſentement des Prelatz des Countes e des Barouns de meiſme le roiaume avoms ſur ceo ordene e eſtable remedie ſolonc les articles que ſenſuyent. Primerement qe nul deſormes teles moneies ne porte en le dit noſtre Roiaume ne aillours en noſtre poer ſur forfeture de vie e des biens e de quant qil porra forfaire iſſint tote voies qe totes gentz de queq' terre ou de queq' pais qil ſoient puiſſent ſauvement porter a noſtre chaunge totes maneres des moneies de bon argent de queq' coign de la outre ou de queque value qe eles ſoient ſaunz ceo qe eles ſoient forfaites. E pur ceo qe ceſt eſtabliſement valer ne porra ſi bien ne ſoit mayntenu ordene eſt qe bone garde eſtraite ſe face en touz les lieux ſur la coſtere de la mer es portz e aillours ou nule manere de arivail eſt par bons e loiaux juretz qe ceux qi teles ou autres mauveiſes monees porteront arreſteint ove meiſmes les moneies e ove tout ceo qil averont e qe meiſmes ceux envoient a cely ou a ceux qi de par nous poer avera ou averont pur myſe de eux Mes ceſti poer pur ceo qe nous ne ſumes pas uncore aviſes quele manere de myſe nous envoderoms faire avoms nous retenutz a nous meiſmes. E voloms quant al areſt avandit qil ce face en cete manere ceſt aſavoir qe la communaute de cheſcun port elliſe deux bons e loials hommes de meiſmes le ports pur les queux les eliſſours vouderont reſpondre qi ove les baillifs de meiſmes le ports arreſtent e ſerchent loiaument e ſaunz deſports touz ceux qui ariveront deinz leur gardes e tout ceo qil porteront e les cors de ceux qil troveront qi teles ou autres mauveiſes moneies averont portetz envoient ſaunz delay a noſtre chef priſon du counte en quel il ſerront arrivetz. E voloms e comaundoms qe le gardeyn de meiſme la priſon les reteyne e ſauvement les garde taunt qe nous ſacchoms la manere du fait e qe nous eoms ſur ceo maunde noſtre volunte. E la moneye e autre argent ſi lui eit deyvent meiſmes les gardeyns envoier e liverer a noſtre grant chaunge e des autres biens eux meiſmes charger e reſpoundre a noſtre eſcheker. Dautre part

* This was firſt inſerted by Mr. Serjeant Hawkins.

Ex Rot. in Turr. Lond.

pur ceo qe nous avoms entendu qe len contrefait par de la le bon eſterling de mauvais e de faus metal pur plus grant dammage faire a noſtre Roiaume avantdit nous avoms enſement ordene qe touz ceux qi eſterlings porteront de la outre en meiſme le Roiaume ou aillours en noſtre poer deivent bailler e baillent meiſmes ceux eſterlings a ditz gardeins des portz ou il arriveront e qe meiſmes ceux gardeins ſouz leur ſeaux e ſouz les ſeaux de ceux qi les porteront e par bon teſmoignage des bones gentz de meiſmes les portz les envoyent tauntoſt a procheyns aſſaiours qi aſſignetz ſerrount depar nous pur le aſay faire de moneye. E deyvent meiſmes les gardeyns envoier les cors ove les deners ſauvement e en curteiſe manere. Et ſi les aſſaiours trouſſent les deners bons e loiaux en pois e en argent e en totes autres choſes ſolonc la veil eſtandard dEngleterre mayntenaunt deſarreſtent les cors e leur deliverent les deners qil averont enſuit portetz e ſi fauſes ſoient troves forfaitz ſoient e les cors a noſtre volunte. Derechef ordene eſt qe nuls deſormes de noſtre Roiaume ne de noſtre poer ne vende ne leſſe laines ne quirs ne peaux ne plum ne eſtaim forke pur bons e loiaux eſterlings ou pur plate de argent aſſaie e merche a noſtre grant chaunge ou en eſchaunge de bone de loiale e de ſuffiſant marchaundiſe e ſi nul le fait autrement e de ceo ſoit atteynt par les ditz gardeyns ou par autres de nos miniſtres qe les choſes iſſint vendues ou leſſees nous ſoient forfaites. Uncore eſt ordene qe nule bone moneye de argent de noſtre coign ne de autri ne nul argent en plate ne en autre manere ne iſſe ne porte ne ſoit hors de noſtre Roiaume ne hors de noſtre poer en les parties de la outre ſaunz eſpeciale conge de nous ſur la peyne deſuſdite. E a cete choſe garder enſemblement ove les autres pointz avantditz devent meiſmes gardeyns mettre diligence e peine en toutes les bones maneres qil porront. E ceux meiſmes gardeyns avant qe il receivent la garde avantdite deyvent jurer devant les viſcuntes ou devant leur chefs gardeyns la ou il ne ſunt a viſcuntes reſponantz qe il feront e tenderont loiaument e ſaunz nule laſcheſte tant com en eux eſt tut ce qe a cete garde apartient ſelonqe la forme avandite. E fil facent releis ou deſportz a nuly pur doen ou pur favour ou en aucune autre manere e de ceo ſoient atteynt qil ſoient en forfaiture de vie e de quant qil ount. Derechef come ordene ſoit qil y eit table a Dovre e aliours ou nous ordeneroms paſſages certeyns pur chaunger deſpens neceſſeires as alantz e as venantz ſi avoms ja aſſigne Johan Bellard Johan Galeys e leur compaignons a tenir table a Dovre de par nous de totes maneres de moneies. E voloms qe il facent iloeques chaunge pur deſpens neceſſeires as alauntz la outre e as venaunz de dela par vewe e teſmoignaunce de countrerolleour qe nous y metteroms e qe totes gentz qe venderont de la outre portaunz moneie qe curt en poer le roi de Fraunce portent meiſme la moneie a la dite table e illoeques receyvent al aveignaunt de la moneie qe curt en noſtre Roiaume. E ſil ſoient trove nule part ailours ove tiele moneie qe meiſme la moneie nous ſoit forfaite e le forfait tourne a la dite table a noſtre oeps. Pur quoi nous vous mandoms fermement enjoignantz qe mayntenaunt vewes cetes lettres tous les articles e pointz avantditz facent crier e publier en cites e burghs viles marchaundes portz e touz autres lieux parmy voſtre ballie la ou vous verretz qe ſoit afaire E gardeyns eſtablir e jurer e cete noſtre ordenaunce tenir e garder en la forme deſuſdite ſur les peynes en meiſme cete forme countenues. Don' a Stebenheth le quintime jour de May lan de noſtre regne vint ſeptiſme.

Statutum de Wardis et Releviis, factum Anno 28 EDW. I. *Stat.* 1. *A. D.* 1300.

Cotton *MS. Claudius*, D. 2.

32 *H.* 3. c. 370

VOUS devez ſavoir qe la ou relief eſt done qe illeoqes appent garde & econtre & ceux qi tiegnent en ſerjauntie Daler ove le Roi en ſon hoſt qe illeoqes appent garde & relief Mes ceux qi tiegnent en petit ſerjauntie come de porter eſcu ou launce en loſt le Roi ou decarier la ne giſt garde ne relief ne fraunk ſokeman durra garde ne relief mes ils doublerount ſa ferme apres la mort lour Aunceſtres ſelonc ceo qils purrount paier lour Seignur & il neint outre meſure greve.

Ore oiez la nature de garde avoir deux maneres des briefs ſont de garde avoir.

Garden en ſocage.

Ceſt aſſavoir la ou homme tient dun autre un ten. en ſocage la garde de la terre qeſt tenu per ſervice de Chivaler appent au chief Seignur & la mariage & doit iſſint eſtre marie qele ne ſoit deſparage come la graunt Chartre voet Cap. iii. Et ſi eſt lage & la garde de cel Heire xxi. an La garde del Heire qe tient en ſocage ſi la terre ou leritage deſcend de part ſa miere donqes appent au pluis proſchein parent de part ſon piere autre per fee de Hauberg & le tenant ſe leſſe morer donqes poet le chief Seignur ſil ſoit deforce demaundre la garde de la terre & del heire celui & il avera la garde & le mariage.

Lautre eſt quaunt une homme eſt feffe dune verge de terre & dun autre de un carve du terre le ſecond Seignur ne poet mie port brief de garde avoir de la terre & del heire qar la garde appent a celui de qi ſon Aunceſtre fuiſt primes feffe la terte la ou il y ad terre en ſa main en noun du garde & il neſt mye heir donqes purra porter brief a demaundre le Heir ſanz ſa terre, &c.

See 12 Car. 2. c. 24. *ſec.* 8. *giving Power to Father to diſpoſe of the Wardſhip of his Child by Will, and which abeliſhes Wardſhip by Reaſon of Tenure by Knight's Service.*

A Statute

A Statute for Perſons Appealed, *made* Anno 28 EDW. I. *Stat.* 2. *and* Anno Dom. 1300.

What Proceſs ſhall be awarded againſt thoſe that be appealed by Approvors.

Cotton *MS. Claudius*, D. 2.

CUM certi Juſtic' in ſingulis Comitatibus regni ad Aſſiſas in eiſdem capiend' de novo ſint aſſignati ſimulque ad liberationem gaolarum eorundem Comitatuum in ſingulis adventibus ſuis faciend' poſt captionem earundem Aſſiſarum prout in ſtatuto domini Regis inde confecto plenius continetur.

Dominus Rex ad Parliamentum ſuum apud Weſtm' anno regni ſui viceſimo octavo pro pace firmius obſervanda feloniiſque celerius convincend' & priſonibus citius deliberandis conceſſit ordinavit & ſtatuit quod quicumque fuerint appellati per probatores exiſtentes in gaolis quas ipſi Juſtic' deliberant & ubicumque in regno ipſi appellati commorantes fuerint aut latitantes quod ſtatim mandetur Vic' in quorum balliva taliter appellati fuerint commorantes aut poterint inveniri per breve domini Regis ſub teſtimonio eorumdem Juſtic' quod taliter appellatos capiant & ducere faciant ad gaolas ubi appellatores per quos appellantur fuerint detenti & ibidem coram ipſis Juſtic' reſpondeant. Et ſi ipſi appellati ſe ſuper patriam poſuerint ſimiliter mandetur per breve de judicio per eoſdem Juſtic' Vic' in cujus balliva felonie facte fuerint de quibus appellantur quod venire fac' coram eiſdem Juſtic' inquiſitionem patrie ad eundem locum ubi appellatores ſint detenti & ad certum diem. Et Vicecomites & alii in quorum cuſtodia appellatores detinentur admittant ſine contradictione appellatos per eoſdem probatores cum iidem appellati capti fuerint in forma predicta & ad appellatores adducti.

"WHereas certain Juſtices of late were aſſigned to take Aſſiſes in all Shires of the Realm, and alſo to deliver the Gaols of the ſame Shires at every of their Comings after the taking of ſuch Aſſiſes, as more plainly is contained in a Statute made by the King thereupon;" 'our Lord the King, at his Parliament holden at *Weſtminſter*, the eight and twentieth Year of his Reign, for more ſure Obſervation of his Peace, and Felonies to be more quickly puniſhed, and Priſoners to be ſooner delivered, hath granted, ordained, and provided, That whoſoever be appealed by Provors, being in Priſons which the ſame Juſtices do deliver, (and whereſoever in our Realm that ſuch Appealees be dwelling or lurking) that immediately it ſhall be commanded to the Sheriff, in whoſe Bailiwick the Parties ſo appealed be commorant or may be found, by the King's Writ, under the Teſtimony of the ſame Juſtices, that he do take ſuch Perſons appealed, and cauſe them to be brought unto the Gaols where the Appealors be kept that appealed them, and they ſhall anſwer there before the ſame Juſtices. And if they that be appealed will put themſelves upon the Country, it ſhall be commanded in like Manner by a judicial Writ, from the ſame Juſtices to the Sheriff, in whoſe Liberty the Felonies were done, of which they were appealed, that he ſhall cauſe an Enqueſt of the Country to come before the ſame Juſtices, unto the ſame Place where the Appealors be kept, at a certain Day. And the Sheriffs and other (in whoſe keeping ſuch Appealors be detained) ſhall receive without Contradiction thoſe that be appealed by ſuch Provors, when the Parties appealed be taken in the Form aboveſaid, and brought unto the ſame Appealors.'

27 Ed. 1. ſtat. 1. c. 3.

2 H. 7. f. 3. Fitz. Coron. 221, 322, 387, 440, 441, 443, 456, 460.

Raſt. 42. *See farther Index, tit.* Appeals.

Articuli ſuper Chartas, *made at* Weſtminſter, Anno 28 EDW. I. *Stat.* 3. *and* Anno Dom. 1300.

Ex Rot. in Turr. Lond. *m.* 35.

PUR ceo qe les poyntz de la grant Chartre des Franchiſes e la Chartre de la Foreſt les quieus le Roy HENRI pere le Roi qe ore eſt granta a ſoen poeple pur le pru de ſoen Roiaume ne eunt pas eſte tenuz ne gardez avant ces heures pur ceo qe peyne ne fuſt avant eſtablie en les treſpaſſours contre les poyntz des chartres avantdites noſtre ſeigneur le Roi les ad de novel grante renovele e conferme & a la requeſte des Prelats Contes e Barouns en ſoen parlement a Weſtmonſter en quaremme lan de ſoen Regne vynt & utiſme ad certeine fourme e peyne ordene e eſtabli encontre ceuz iceaus qe contre le poyntz des avantdites chartres ou nul poynt de eles en nule manere vendront en la fourme qe enſuit.

"FOraſmuch as the Articles of the Great Charter of Liberties, and of the Charter of the Foreſt, the which King HENRY, Father of the King that now is, granted to his People for the Weal of his Realm, have not been heretofore obſerved, ne kept, becauſe there was no Puniſhment executed upon them which offended againſt the Points of the Charters before mentioned; our Lord the King hath again granted, renewed, and confirmed them, at the Requeſt of his Prelates, Earls, and Barons, aſſembled in his Parliament holden at *Weſtminſter*, the eight and twentieth Year of his Reign, and hath ordained, enacted, and eſtabliſhed certain Articles againſt all them that offend contrary to the Points of the ſaid Charters, or any Part of them, or that in any wiſe traſgreſs them, in the Form that enſueth."

CAP. I.

A Confirmation of the Great Charter, and the Charter of the Foreſt.

2 Inſt. 537. A Confirmation of the Great Charter, and the Charter of the Foreſt.

'THAT is to ſay, That from henceforth the great Charter of the Liberties of *England*, granted to all the Commonalty of the Realm, and the Charter of the Foreſt, in like Manner granted, ſhall be obſerved, kept, and maintained in every Point, in as ample wiſe as the King hath granted, renewed, and confirmed them by his Charter. And that the Charters be delivered to every Sheriff of *England* under the King's Seal, to be read four Times in the Year before the People in the full County, that is to wit, the next County-day after the Feaſt of Saint *Michael*, and the next County-day after *Chriſtmas*, and at the next County after *Eaſter*, and at the next County after the Feaſt of Saint *John*. And for theſe two Charters to be firmly obſerved in every Point and Article (where before no Remedy was at the common Law) there ſhall be choſen in every Shire-court, by the Commonalty of the ſame Shire, three ſubſtantial Men, Knights, or other lawful, wiſe, and well-diſpoſed Perſons, which ſhall be Juſtices ſworn and aſſigned by the King's Letters Patents under the Great Seal, to hear and determine (without any other Writ, but only their Commiſſion) ſuch Plaints as ſhall be made upon all thoſe that commit or offend againſt any Point contained in the foreſaid Charters, in the Shires where they be aſſigned, as well within Franchiſes as without, and as well for the King's Officers out of their Places, as for other, and to hear the Plaints from Day to Day without any Delay, and to determine them, without allowing the Delays which be allowed by the Common Law. And the ſame Knights ſhall have Power to puniſh all ſuch as ſhall be attainted of any Treſpaſs done contrary to any Point of the foreſaid Charters (where no Remedy was before by the Common Law) as before is ſaid, by Impriſonment, or by Ranſom, or by Amerciament, according to the Treſpaſs. Nevertheleſs the King, nor none of thoſe that made this Ordinance, intend, that by virtue hereof any of the foreſaid Knights ſhall hold any Plea by the Power which ſhall be given them in ſuch Caſe, where there hath been Remedy provided in Times paſſed, after the Courſe of the Common Law by Writ, nor alſo that any Prejudice ſhould be done to the Common Law, nor to the Charters aforeſaid in any Point. And the King willeth, That if all three be not preſent, or cannot at all Times attend to do their Office in Form aforeſaid, that two of them ſhall do it. And it is ordained, That the King's Sheriffs and Bailiffs ſhall be attendant to do the Commandments of the foreſaid Juſtices, as far forth as appertaineth unto their Offices. And beſides theſe Things granted upon the Articles of the Charters aforeſaid, the King of his ſpecial Grace, for Redreſs of the Grievances that his People hath ſuſtained by reaſon of his Wars, and for the Amendment of their Eſtate, and to the Intent that they may be the more ready to do him Service, and the more willing to aſſiſt and aid him in Time of Need, hath granted certain Articles, the which he ſuppoſeth ſhall not only be obſerved of his liege People, but alſo ſhall be as much profitable, or more, than the Articles heretofore granted.'

Commiſſioners to enquire of Offences done contrary to the Charters.

Other Officers ſhall be attendant upon the Commiſſioners.

Ex Rot. in Turr. Lond.

CEST aſavoir qe de ci en avant la Grant Chartre des Franchiſes dEngleterre grantee a tote la commune dEngleterre e la Chartre de la Foreſte en meiſme la manere grantee ſoient tenues gardees e meyntenues en cheſcun article e cheſcun poynt auſi pleinement come le Roi ad grante renovele e par ſa chartre conferme. E qe celes chartres ſoient baillees a cheſcun viſcont dEngleterre deſoutz le ſeal le Roi a lire quatre foiz par un devant le poeple en plein conte ceſt aſavoir a prochein conte apres la ſeint Michel al prochein conte apres le Noel al prochein conte apres la Paſqe & al prochein conte apres la ſeint Johan. Et a celes deus chartres en cheſcun poynt e en cheſcun article de eles fermement tenir ou remedie ne fuſt avant par la commune ley ſoient eſlus en cheſcun conte par la commune de meiſme le conte trois prodes hommes chivaliers ou autres loiaux ſages e aviſes qui ſoient Juſtices jures e aſſignes par les lettres le Roi overtes de ſoen grant ſeal de oyr e determiner ſantz autre bref qe leur commun garant les pleintes qe le ferront de touz iceaus qe vendront ou meſprendront en nul des ditz poyntz des avantdites chartres les contetz ou il ſont aſſignes auſi bien dedenz franchiſes come dehors e auſi bien des miniſtres le Roi hors de leur places come des autres. Et le pleintes oyes de jour en jour ſantz delay les terminent ſanz alluer les delais qe ſont allues par commune ley. E qe meiſmes ceaus chevaliers eint poer de punir touz ceaus qe ſerront atteintz de treſpas fait encontre nul point des chartres avantdites ou remes die ne fuſt avant par commune ley auſi come avant eſt dit par enpriſonement ou par ranceoun ou par amerciement ſelonc ceo qe le treſpas le demande. Et par ceo nentent pas le Roi ne nul de ceaux qe fuſt a ceſt ordenement fere qe les chivaliers avantditz tiegnent nul play par le poer qe done leur ſerra encas ou avant ces houres fuſt remedie purveu ſolonc la commune ley par bref ne qe prejudice enſoit fet a la commune ley ne a les chartres avantdites en nul de leur pointz. E voet le Roi qe ſi touz treis ne ſoient preſentz ou ne purront as totes les foiz entendre a faire leur office en la fourme avantdite qe deus des trois le facent. E ordene eſt qe les viſcontes e les baillifs le roi ſoient entendantz as les commandementz des avantdites juſtices en quant qe apent a leur office. E eſtre ceſtes choſes grantees ſur les pointz des chartres avantdites le Roi de ſa grace eſpeciale en aleggeance des grevances qe ſoen poeple ad eu par les guerres qe unt eſt e en amendement de leur eſtat e pur taunt qil ſoient plus preſtz a ſon ſervice e plus voluntiers aidantz quaunt il enavora afere ad grante aſcuns articles les quieus il entent qi tendront auſi grant lieu à ſon poeple & auſi grant profiſt ferront ou plus qe les points avant grantes.

CAP.

CAP. II.

None ſhall take Priſes, but the King's Purveyors and their Deputies.

Ex Rot. in Turr. Lond.

EMprimechief pur ceo qe une grant grevance eſt en ceſt Roiaume e damage ſanz noumbre de ceo que le Roi e ſes miniſtres de ſa meignee auſibien les aliens come les denzeyns fount leur priſes la ou il paſſent par mi le Roiaume e pernent les biens de gentz des clers e des lays ſanz rien paer ou bien meins qe la value:

Ordene eſt qe de ci en avant nul ne preigne priſes par mi le Roiaume fors qe les parnours le Roi e ſes purveours pur loſtel le Roi. E qe ceus parnours le Roi e purveours pur ſoen Hoſtel ne preignent riens fors qe pur meiſme loſtel. E des priſes quil ferront par mi les pais de manger ou de boyure e autres menuz neceſſaires pur loſtel qil facent la paye ou gre a ceus des queus les choſes ſerront priſes.

E qe touz tieus parnours le Roi purveours ou achatours eient de ci en avant leur garant oveſqes eus du grant ſeal ou de petit ſeal le Roi contenant leur poer e les choſes dount il frount priſes ou purveance le quel garant il munſtreront as ceus des quieus il frount la priſe avant ceo qil enpreignent rien.

E qe ceus parnours purveours ou achatours le Roi ne preignent plus qe buſoigne e meſter ne ſeit pur le Roi e ſoen hoſtel e de ſes enfantz.

E qe riens ne preignent pur ceus qe ſont a gages ne pur nul autre.

E qil reſpoignent en loſtel e en la garderobe pleinement des totes leur priſes ſans fere ailleours leur largeſces ou liverees de choſe qe pur le Roi ſoit priſe.

E ſi nul parnour de loſtel le Roi par garant qil eit face priſes ou liverees en autre manere qe deſus neſt dit par pleinte fete al Seneſchal e el Treſourer del hoſtel le Roi ſoi la verite enquiſe. Et ſi de ceo ſeit atteint ſoit gre meintenant fait au pleintiff e ſoit hoſte du ſerviſe le Roi pur touz jours e demoerge en priſon a la volente le Roi.

E ſi nul face priſes ſantz garant e lemport encountre la volunte de celui a qi les biens ſont ſoit meintenant arreſtu par la ville ou la priſe ſerra fete e mene a la procheine gaole e ſi de ceo ſoit atteint ſoit la fait de lui come de larroun ſi la quantite des biens le demande.

E quant as priſes fere en feires e en bones villes e portz pur la grant garderobe le Roi eient les parnours leur commun garant par le grant ſeal.

E des choſes qil prendront eient la teſmoignance du ſeal du gardein de la garderobe e des choſes iſſint par eus priſes de noumbre de quantite e de la value ſoit faite dividende entre les parnours e les gardeins des feires Meire ou chiefs baillifs des villes e portz par la veue des marchantz des quieus les biens ſerront iſſint pris. E riens ne lui ſoit ſuffert de plus

"SEcondarily, Foraſmuch as there is a great Grievance in this Realm, and Damage without Meaſure, for that the King and the Miniſters of his Houſe, as well of Aliens as Denizens, do make great Priſes where they paſs through the Realm, and take the Goods, as well of Clerks as of Laypeople, without paying therefore any thing, or elſe much leſs than the Value:"

'II. It is ordained, That from henceforth none do take any ſuch Priſes within the Realm, but only the King's Takers, and the Purveyors for his Houſe; and that the King's Takers and Purveyors of his Houſe ſhall take nothing, but only for his Houſe. And touching ſuch Things as they ſhall take in the Country, of Meat and Drink, and ſuch other mean Things neceſſary for the Houſe, they ſhall pay or make Agreement with them of whom the Things ſhall be taken.

No Purveyors ſhall take any Priſes but the King's, and they only for his Houſe. *Confirmed by* 4 Ed. 3. c. 4. *Altered by* 5 Ed. 3. c. 2. 10 Ed. 3. ſtat. 2. c. 1. 25 Ed. 3. c. 1.

'III. And that all the King's Takers, Purveyors, or Catours, from henceforth ſhall have their Warrant with them, under the King's great or petty Seal, declaring their Authority, and the Things whereof they have Power to make Priſe or Purveyance; the which Warrant they ſhall ſhew unto them whoſe Goods they take, before they take any Thing.

Purveyors ſhall have their Warrant. 36 Ed. 3. c. 2.

'IV. And that thoſe Takers, Purveyors, or Catours for the King, ſhall take no more than is needful or meet to be uſed for the King, his Houſhold, and his Children.

Purveyors ſhall take no more than is needful. 12 Car. 2. c. 24.

'V. And that they ſhall not take any Thing for them that be in Wages, nor for any other.

All Purveyance taken away. *But ſee* 13 Car. 2. ſtat. 1. c. 8. *and* 13 & 14 Car. 2. c. 20. *which ſuſpend the ſaid* 12 Car. 2. *in favour of the royal Progreſſes and of the Navy and Ordnance. And ſee the yearly Mutiny Acts.*

'VI. And that they ſhall make full Anſwer in the King's Houſe, or in the Wardrobe, for all Things taken by them, without making their Largeſſes any other where, or Liveries, of ſuch Things as they have taken for the King.

'VII. And if any Taker for the King's Houſe, by reaſon of his Warrant, make any Priſe or Livery, otherwiſe than before is mentioned, upon Complaint made to the Steward, and to the Treaſurer of the King's Houſe, the Truth ſhall be enquired. And if he be attainted thereof, he ſhall forthwith make Agreement with the Party, and ſhall be put out of the King's Service for ever, and ſhall remain in Priſon at the King's Pleaſure.

'VIII. And if any make Priſe without Warrant, and carry it away againſt the Will of the Owner, he ſhall immediately be arreſted by the Town where the Priſe was made, and ſhall be committed to the next Gaol; and if he be attainted thereupon, it ſhall be done unto him as unto a Felon, if the Quantity of the Goods do ſo require.

Taking without Warrant Felony.

'IX. And concerning Priſes made in Fairs, and good Towns, and in Ports, for the King's great Wardrobe, the Takers ſhall have their common Warrant under the Great Seal.

Purveyances made for the King's Wardrobe.

'X. And for the Things that they ſhall take, it ſhall be teſtified under the Seal of the Keeper of the Wardrobe; and of thoſe Things that they have taken, the Number of the Things, the Quantity, and the Value, ſhall be ſpecified in a Divident made between the Takers and the Keepers of Fairs, Mayors, or chief Bailiffs of Towns and Ports, by the

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'View of Merchants, whoſe Goods ſhall be ſo taken; and they ſhall not be ſuffered to take any more than is contained in their Divident; and the ſaid Divident ſhall be taken into the Wardrobe under the Seal of the Warden, Mayor, or chief Bailiff aforeſaid, and there ſhall remain until the Accompt of the Keeper of the King's Wardrobe; and if it be found, that any hath taken otherwiſe than he ought to do upon his Accompt, he ſhall be puniſhed by the Keeper of the King's Wardrobe after his Deſert; and if any make ſuch Priſes without Warrant, and be attainted thereupon, he ſhall incur the ſame Pain as they which take Priſes for the King's Houſe without Warrant, as before is ſaid.

Repealed by 12 Car. 2. c. 24.

prendre qil ne mette en dividende e cele dividende ſoit porte en garderobe deſutz le ſeal le gardein Meire ou chief baillif avantditz & lenz demoerge tant qe ſur la conte du garderober le Roi. E ſil ſoit trove qe nul eit autrement pris qe fere ne deveroit ſoit puny ſur la conte par le gardein de la garderobe le Roi ſolom ſa duſerte e ſi nul face tieus priſes ſanz garant e ſur ceo ſoit atteint ſoit fait de lui come de ceus qe fount priſes pur loſtel le Roi ſanz garant come deſus eſt dit.

'XI. Nevertheleſs the King and his Council do not intend, by reaſon of this Eſtatute, to diminiſh the King's Right, for the ancient Priſes due and accuſtomed, as of Wines and other Goods, but that his Right ſhall be ſaved unto him whole in all Points.'

The King's Prerogative ſaved.

E ne entent mie le Roi ne ſoen conſail qe par ceſt eſtatut rien deſtreſſe au Roi de ſoen droit des auncienes priſes dues e acuſtumes come des vyns & autres biens mes qe en touz pointz pleinement lui ſoit ſauve.

CAP. III.

Of what Things only the Marſhal of the King's Houſe ſhall hold Plea. Which Coroners ſhall enquire of the Death of a Man ſlain within the Verge.

Of what Things only the Marſhal of the King's Houſe ſhall hold Plea. *Farther provided by* 10 Ed. 3. ſtat. 2. c. 2. 8 R. 2. c. 3. 13 R. 2. ſtat. 1. c. 2. 15 H. 6. c. 1. 1 Bulſtr. 208. 2 Inſt. 547. 4 H. 6. f. 8. 10 H. 6. f. 13. Bro. Action ſur le ſtat. 38, 44. 6 Co. 12, 20. 10 Co. 71.

'CONcerning the Authority of Stewards and Marſhals, and of ſuch Pleas as they may hold, and in what Manner, it is ordained, That from henceforth they ſhall not hold Plea of Freehold, neither of Debt, nor of Covenant, nor of any Contract made between the King's People, but only of Treſpaſs done within the Houſe, and of other Treſpaſſes done within the Verge, and of Contracts and Covenants that one of the King's Houſe ſhall have made with another of the ſame Houſe, and in the ſame Houſe, and none other where. And they ſhall plead no Plea of Treſpaſs, other than that which ſhall be attached by them before the King depart from the Verge where the Treſpaſs ſhall be committed; and ſhall plead them ſpeedily from Day to Day, ſo that they may be pleaded and determined before that the King depart out of the Limits of the ſame Verge where the Treſpaſs was done. And if it ſo be that they cannot be determined within the Limits of the ſame Verge, then ſhall the ſame Pleas ceaſe before the Steward, and the Plaintiffs ſhall have Recourſe to the Common Law. And from henceforth the Steward ſhall not take Cogniſance of Debts nor of other Things, but of People of the ſame Houſe, nor ſhall hold none other Plea by Obligation made at the Diſtreſs of the Steward and of the Marſhals. And if the Steward or Marſhals do any Thing contrary to this Ordinance, it ſhall be holden as void. And foraſmuch as heretofore many Felonies committed within the Verge have been unpuniſhed, becauſe the Coroners of the Country have not been authoriſed to enquire of ſuch manner of Felonies done within the Verge, but the Coroner of the King's Houſe, which never continueth in one Place, by reaſon whereof there can be no Trial made in due Manner, nor the Felons put in Exigent, nor out-lawed, nor any Thing preſented in the Circuit, the which hath been to the great Damage of the King, and nothing to the good Preſervation of his Peace; it is ordained, That from henceforth in Caſes of the Death of Men, whereof the Coroner's Office is to make View and Enqueſt, it ſhall be commanded to the Coroner of the Country, that he,

4 Co. 46.

Which Coroners ſhall inquire of the Death of a man ſlain within the Verge.

DE leſtat du ſeneſchals e des marchals e des plez qe eus devient tenir e coment ordene eſt qe deſoremes ne tiegnent plai de frank tenement ne de dette ne de covenant ne de contract des gentz du pueple fors tantſulement des treſpas de loſtel & autres treſpas faitz dedenz la verge e de contractz e covenantz qe aſcun de loſtel le Roi avera fait a autre de meiſme loſtel e en meiſme loſtel e ne mie aillours. E nul plai de treſpas ne pledront autre qe ne ſoit attache par eus avant ceo qe le Roi iſſe hors de la verge ou le treſpas ſerra fait e les pledera haſtivement de jour en jour iſſint qil ſoient parpledez e termines avant de ceo qe le Roi iſſe hors des bundes de cele verge ou le treſpas fut fait. E ſi par cas dedenz les bundes de cele verge ne poent eſtre termines ceſſent ceus plais devant le ſeneſchal & ſoient les pleintifs a la commune lei. Ne deſoremes ne preigne le Seneſchal coniſances des dettes ne dautre choſe fors qe de gentz del loſtel avantdit. Ne nul autre plai ne tiegnent par obligacion faite a la deſtreſce du Seneſchal e des Mareſchaus. E ſi le Seneſchal ou les Mareſchaus rien facent countre ceſt ordenement ſoit leur fet tenu pur nul. E pur ceo qe devant ces houres moutz des felonies fetes dedenz la verge unt eſte diſpunies pur ceo qe les Coroners des pais ne ſe ſont pas entremis denquerre de tieus maneres des felonies dedenz la verge mes le Coroner de loſtel le Roy qui eſt paſſant de qui iſſue ne ad mie eſte fete en due manere ne les felons mis en exigendes ne utlaghes ne rien de ceo preſente en Eire qe ad eſte a grant damage du Roi e a meins bone garde de ſa pees ordene eſt qe deſoremes en cas de mort de home ou office de Coroner appent as vewes & enqueſtes de ceo fere ſoit mande le Coroner du pais qi enſemblement ove le Coroner del Hoſtel face loffice qi appent &

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le mette en roulle. E ceo qe ne porra mie devant le Seneſchal eſtre termine par ceo qe les felons nei porront eſtre attachetz ou par autre encheſon demoerge a la commune lei iſſint qe les exigendes utlagheries e preſentementz en Eire ſoient de ceo fetz par le Coroner du pais auſint come des autres felonies fetes dehors la verge. Mes pur ceo ne ſoit leſſe qe les attachementz ne ſoient fetz freſchement ſur les felonies faites.

'with the Coroner of the King's Houſe, ſhall do as belongeth to his Office, and inroll it. And that Thing that cannot be determined before the Steward, where the Felons cannot be attached, or for other like Cauſe, ſhall be remitted to the Common Law, ſo that Exigents, Outlawries, and Preſentments, ſhall be made thereupon in Eyre by the Coroner of the Country, as well as of other Felonies done out of the Verge; nevertheleſs they ſhall not omit, be reaſon hereof, to make Attachments freſhly upon the Felonies done.'

See 33 H. 8. c. 12. *before whom Murders committed in the King's Houſe ſhall be tried.* 2 Leon. 160.

Enforced by 18 Ed. 3. ſtat. 2. c. 7.

CAP. IV.

Common Pleas ſhall not be holden in the Exchequer.

ESTRE ceo nul commun plai ne ſeit deſoremes tenu al Eſcheqer countre la fourme de la Grant Chartre.

'MOreover no Common Pleas ſhall be from henceforth holden in the Exchequer, contrary to the Form of the Great Charter.'

Dyer 250. 9 H. 3. ſtat. 1. c. 11. Regiſt. 187.

CAP. V.

The Chancellor and the Juſtices of the King's Bench ſhall follow the King.

DAutre part le Roi voet qe le Chauncelerie e les Juſtices de ſoen banc lui ſuivent iſſint qil eit touz jours pres de lui aſcuns Sages de la lei qui ſachent les buſoignes qe viegnent a la curt duement deliverer a tote les foiz qe meſter ſerra.

'AND on the other Party, the King will, that the Chancellor and the Juſtices of his Bench ſhall follow him, ſo that he may have at all Times near unto him ſome Sages of the Law, which be able duly to order all ſuch Matters as ſhall come unto the Court at all Times, when Need ſhall require.'

2 Inſt. 551.

CAP. VI.

No Writ concerning the Common Law ſhall be awarded under any petit Seal.

DEſutz le petit Seal ne iſſe deſoremes nul bref qe touche la commune lei.

'THERE ſhall no Writ from henceforth, that toucheth the Common Law, go forth under any of the petty Seals.'

2 Inſt. 554.

CAP. VII.

The Authority of the Conſtable of the Caſtle of *Dover*, touching holding Plea and Diſtreſſes.

LE Coneſtable du chaſtel de Dovere ne plede deſoremes a la porte du chaſtel nul plai forein du Conte qe ne tuche la garde du chaſtel. Le dit Coneſtable ne deſtreigne les gentz de cink portz a pleder aillours ne en autre manere qil ne deyvent ſolonc la fourme des chartres qil unt des Rois de leur franchiſes aunciens afermees par la Grant Chartre.

'THE Conſtable of the Caſtle of *Dover* ſhall not from henceforth hold any Plea of a foreign County within the Caſtle Gate, except it touch the keeping of the Caſtle. Nor ſhall the ſaid Conſtable diſtrain the Inhabitants of the Cinque Ports to plead any otherwhere, nor otherwiſe, than they ought after the Form of their Charter obtained of the King for their old Franchiſes confirmed by the Great Charter.'

Regiſt. 185. 2 Inſt. 556.

CAP. VIII.

The Inhabitants of every County ſhall make Choice of their Sheriffs, being not of Fee.

LE Roi ad grante a ſoen poeple qil eient eſlection de leur viſcontes en cheſcun Conte ou viſconte ne eſt mie de fee ſil voelent.

'THE King hath granted unto his People, that they ſhall have Election of their Sheriff in every Shire (where the Shrivalty is not of Fee) if they liſt.'

Altered by 9 Ed. 2. ſtat. 2. 14 Ed. 3. ſtat. 1. c. 7. Inſt. 559.

CAP.

CAP. IX.

What Sort of People ſhall be returned upon every Jury.

Co. Lit. 158. a.

'THE King willeth and commandeth, That no Sheriff nor Bailiff ſhall impanel in Inqueſts nor in Juries over many Perſons, nor otherwiſe than it is ordained by Statute; and that they ſhall put in thoſe Inqueſts and Juries ſuch as be next Neighbours, moſt ſufficient, and leaſt ſuſpicious. And he that otherwiſe doth, and is attainted thereupon, ſhall pay unto the Plaintiff his Damages double, and ſhall be grievouſly amerced unto the King.'

See Regiſt. 178; 179, 180. *and Index, tit.* Juries.

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LE Roi voet e comande qe nul viſconte ne baillif ne mette en enqueſtes ne en jurees plus des gentz ne autres ne en autre manere qil neſt ordene par eſtatut e qil mettent en teles enqueſtes e jurees les plus procheins plus ſuffiſantz e meins ſuſpecenous. E qui autrement le fra & de ceo ſoit atteint rende au pleintif ſes damages au duble & ſoit en la greve merci le Roi.

CAP. X.

The Remedy againſt Conſpirators, falſe Informers, and Embracers of Juries.

2 Inſt. 561. Kel. 81.

'IN Right of Conſpirators, falſe Informers and evil Procurers of Dozens, Aſſiſes, Inqueſts and Juries, the King hath provided Remedy for the Plaintiffs by a Writ out of the Chancery. And notwithſtanding, he willeth that his Juſtices of the one Bench and of the other, and Juſtices aſſigned to take Aſſiſes, when they come into the Country to do their Office, ſhall, upon every Plaint made unto them, award Inqueſts thereupon without Writ, and ſhall do Right unto the Plaintiffs without Delay.'

Regiſt. 188. Raſt. 123, &c.

EN droit des conſpiratours faus enfourmours e mauveis procureours des duzeines enqueſts aſſiſes e jurees le Roi ad ordene remedie as pleintifs par bref de Chancelerie. E ja dumeins voet qe ſes Juſtices de lun banc e de lautre e Juſtices as aſſiſes prendre aſſignes quaunt il viegnent en pais a fere leur office de ceo facent leur enqueſtes a cheſcuny pleinte ſantz bref e ſantz delai e facent droit as pleintifs.

CAP. XI.

Nothing ſhall be taken to maintain any Matter in Suit.

3 Ed. 1. c. 25. c. 28 & 33. 13 Ed. 1. ſtat. 1. c 49. 13 H. 4. f. 17. Fitz. Champerty, 3, 4, 6, 12, 14, 15. 2 Inſt. 118. *Enforced by* 33 *Ed.* 1. *ſtat.* 3. 1 Ed. 3. ſtat. 2. c. 14. 4 *Ed.* 3. *c.* 11. 20 *Ed.* 3. *c.* 4. 1 R. 2. c. 4. *and* 32 H. 8. c. 9. *againſt buying of Titles, &c.* 21 Ed. 3. f. 52. Bro. Champerty, 11. Raſt. 119, 427, &c.

"AND further, becauſe the King hath heretofore ordained by Statute, that none of his Miniſters ſhall take no Plea for Maintenance, by which Statute other Officers were not bounden before this Time;" 'The King will, that no Officer nor any other (for to have Part of the Thing in Plea) ſhall not take upon him the Buſineſs that is in ſuit; nor none upon any ſuch Covenant ſhall give up his Right to another; and if any do, and he be attainted thereof, the Taker ſhall forfeit unto the King ſo much of his Lands and Goods as doth amount to the Value of the Part that he hath purchaſed for ſuch Maintenance. And for this Atteindre, whoſoever will, ſhall be received to ſue for the King before the Juſtices, before whom the Plea hangeth, and the Judgment ſhall be given by them. But it may not be underſtood hereby, that any Perſon ſhall be prohibit to have Counſel of Pleaders, or of learned Men in the Law for his Fee, or of his Parents and next Friends.'

DErechief pur ceo qe le Roi avoit avant ordene par eſtatut qe nul de ſes Miniſtres ne preiſt nul plai a champart e par cel eſtatut autres qe Miniſtres ne eſtoient pas avant ces houres a ceo lieez voet le Roi qe nul Miniſtre ne nul autre pur part aver de choſe qe eſt en plai enpreigne les buſoignes qe ſont en plai. Ne nul ſur tieu covenaunt ſoen droit ne leſſe a autri. E ſi nul le fet e de ceo ſoit atteint ſoit forfet e encoru devers le Roi des biens ou de terres lempernour la value dautant come ſa partie de ſon purchaz par tele enpriſe amontera. E a ceo attaindre ſoit reſceu celui qui ſuire vodra pur le Roi devant les Juſtices devant quieus le plai avera eſte e par eus ſoit le agard fet. Mes en ceo cas ne eſt mie a entendre qe home ne puet aver conſail de contours e des ſages gentz pur du ſoen donant ne des ſes parentz e ſes procheins.

CAP. XII.

What Diſtreſs ſhall be taken for the King's Debt, and how it ſhall be uſed.

4 H. 7. f. 8. 2 Inſt. 565. 51 H. 3. ſtat. 4. 52 H. 3. c. 4.

'FROM henceforth the King will, that ſuch Diſtreſſes as are to be taken for his Debts ſhall not be made upon Beaſts of the Plough, ſo long as a Man may find any other, upon the ſame Pain that is elſewhere ordained by Statute, *&c.* And he will not that over-great Diſtreſſes ſhall be taken for his

DErechief voet le Roi qe deſtreſces qe ſont a fere pur ſa dette ne ſoient fetz par beſtes des carues tant come home puet autre trover ſolunc ceo qe ordene eſt aillours par eſtatut ove la peine &c. E ne voet qe trop grive deſtreſce ſoit priſe pur ſa dette ne trop loinz mene e ſi le dettour

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puſſe trover ſuffiſſaunte e covenable ſeurte jeſques a un jour deinz le jour le viſconte dedenz le quel home en puſſe purchaſer remedie ou fere gre de la demande ſoit la deſtreſce releſſee endementers. E qui autrement fra ſoit grevement puny.

'Debts, nor driven too far; and if the Debtor can find able and convenient Surety until a Day before the Day limited to the Sheriff, within which a Man may purchaſe Remedy or agree for the Demand, the Diſtreſs ſhall be releaſed in the mean Time; and he that otherwiſe doth, ſhall be grievouſly puniſhed.' Regiſt. 97, 185. Raſt. pla. 236.

CAP. XIII.

What Sort of Perſons the Commons of Shires ſhall chuſe for their Sheriffs.

E Pur ceo qe le Roi ad grante la eſlection de viſconte a eus des contez voet le Roi qil eſliſent tieu viſconte qe ne les charge mie ne mette nul miniſtre en baille pur lower ne pur donn e tieus qe ne ſe herbergent mie trop ſovent en un lieu ne ſur les poveres ne ſur les religious.

"AND foraſmuch as the King hath granted the Election of Sheriffs to the Commons of the Shire;" 'the King will, that they ſhall chuſe ſuch Sheriffs that ſhall not charge them, and that they ſhall not put any Officer in Authority for Rewards or Bribes; and ſuch as ſhall not lodge too oft in one Place, nor with poor Perſons, or Men of Religion.' 2 Inſt. 566. *See* 9 *Ed.* 2. *ſtat.* 2. *who ſhall aſſign Sheriffs.*

CAP. XIV.

Bailiwicks and Hundreds ſhall not be letten too dear, to charge the People with Contribution.

D Erechief qe les bailiffs e les hundredz du Roi ne des autres grauntz ſeignurs de la terre ne ſoient leſſes a trop grant ſumme aferme par quei le poeple ſoit greve ne charge par contribucion faire a teles fermes.

'FROM henceforth the King will, That the Bailiwicks and Hundreds of the King, nor of other great Lords of the Land, be not let to Ferm at over great Sums, whereby the People are over-charged by making Contribution to ſuch Ferms.' 2 Inſt. 556. *Enforced and amended by* 4 *Ed.* 3. *c.* 15. 14 *Ed.* 3. *c.* 9. *And ſee* 4 *H.* 4. *c.* 5. *and* 23 *H.* 6. *c.* 9. *prohibiting Sheriffs from letting any Part of their Bailiwicks.*

CAP. XV.

In Summons and Attachments in Plea of Land the Writ ſhall contain Fifteen Days.

E N ſomonſes e en attachementz en plai de terre deſoremes contiegne la ſomonſe e latachement le terme de xv. jours a tot le meins ſolonc la commune lei ſil ne ſeit en attachement des aſſiſes prendre en preſence le Roi ou des ples devant Juſtices en eire durant leire.

'IN Summons and Attachments in Plea of Land, the Summons and Attachments from henceforth ſhall contain the Term of Fifteen Days full at the leaſt according to the common Law, if it be not in Attachment of Aſſiſes taken in the King's Preſence, or of Pleas before Juſtices in Eyre during the Eyre.' Fitz. Jour. 16, 17, 36. Bro. Attach. 3, 4, 6, 7, 8, 9, 10, 13, 15, 16, 17.

CAP. XVI.

What ſhall be done with them that make falſe Returns of Writs.

SOIT fet de ceus qe font faus retourns au mandement le Roi par quei dreiture eſt delaie auſi come ordene eſt en le ſecund eſtatut de Weſtm' ove la peine.

'THAT ſhall be done with them that make falſe Returns (whereby Right is deferred) as it is ordained in the ſecond Statute of *Weſtminſter*, with like Pain.' 2 Inſt. 568. 13 Ed. 1. ſtat. 1. c. 39.

CAP. XVII.

The Statute of *Wincheſter* ſhall be read four Times in the Year, and put in Execution.

E Pur ceo qe moutz des meffeſours ſont en la terre plus qe mes ne ſoleient e roberies arſuns e homicides fetes ſanz nombre e la pees meins bien gardee par ceo qe leſtatut qe le Roi fiſt faire nadgueres a Wynceſtre nad pas eſte tenu voet le Roi qe cel eſtatut ſoit de novel envoie en cheſcun conte e leu e pupplie quatre foiz par an auſi come les deus Grantz Chartres e fermement garde en cheſcun point ſur les peines qe lenz ſont aſſiſes. Et a

"AND foraſmuch as there be more Malefactors in the Realm, than had wont to be, and that Robberies, Burnings, and Man-ſlaughters are committed out of Meaſure, and the Peace little obſerved, by Reaſon that the Statute which the King not long paſt cauſed to be made at *Wincheſter* is not obſerved;" 'the King will, That the ſame Statute be ſent again into every County, to be read and publiſhed four Times in the Year, and kept in every Point as ſtraitly as the two Great Charters, upon the Pains therein limited. And for the obſerving and 2 Inſt. 569.

Ex Rot. in Turr. Lond.

'Maintenance of this Statute, the three Knights that be aſſigned in the Shires to redreſs Things done againſt the ſaid Great Charters, ſhall be charged, and ſhall have their Warrant therefore.'

13 Ed. 1. ſtat. 2. c. 1.

cel eſtatut garder e meintenir ſoient charge les trois chivalers qui ſont aſſignez par mi les contez pur adreſter les choſes fetes contre les Grantz Chatres e de ceo eient garant.

CAP. XVIII.

Eſcheators ſhall commit no Waſte in Wards Lands.

2 Inſt. 571. 9 *Hen.* 3. *ſtat.* 1. c. 4, 5.

'FOR Redreſs of Waſtes, and Deſtructions done by Eſcheators or Subeſcheators in the Lands of Wards, as of Houſes, Woods, Parks, Warrens, and of all other Things that fall into the King's Hands; the King will, That he which hath ſuſtained Damage, ſhall have a Writ of Waſte out of the Chancery againſt the Eſcheator for his Act, or the Subeſcheator for his Act (if he have whereof to anſwer;) and if he have not, his Maſter ſhall anſwer by like Pain concerning the Damages, as is ordained by the Statute for them that do Waſte in Wardſhips.'

3 *Ed.* 1. *c.* 21. 6 Ed. 1. ſtat. 1. c. 5.

EN dreit des waſtz e deſtructions fetz en gardes par eſchetour e ſutheſchetour des maſons parks bois e vivers e totes autres choſes qe eſchient en la mein le Roi voet le Roi qe celui qe avera le damage receu eit bref de waſt en chauncelerie vers leſchetour de ſoen fet ou le ſutheſchetour de ſon fet ſil eit de quei reſpoundre. E ſil nad de quei ſi reſpoigne ſon ſovereign par autele peine quant a damages come derrein fuſt ordene par eſtatut ſur ceus qui ſount waſtz en gardes.

Enforced by 14 Ed. 3. *ſtat.* 1. *c.* 13. 36 *Ed.* 3. *ſtat.* 1. *c.* 13. *See* 12 Car. 2. c. 24. *which takes away Wardſhip by Reaſon of Tenure.* Regiſt. 72. Raſt. 693.

CAP. XIX.

In what Caſe the Owner ſhall have his Lands delivered out of the King's Hands with the Iſſues.

2 Inſt. 572.

'FROM henceforth, where the Eſcheator or the Sheriff ſhall ſeiſe other Mens Lands into the King's Hands (where there is no Cauſe of Seiſer) and after, when it is found no Cauſe, the Profits taken in the mean Time have been ſtill retained and not reſtored, when the King hath removed his Hand; the King will, That if hereafter any Lands be ſo ſeiſed, and after it be removed out of his Hands by Reaſon that he hath no Cauſe to ſeiſe nor to hold it, the Iſſues ſhall be fully reſtored to him to whom the Land ought to remain, and which hath ſuſtained the Damage.'

Regiſt. 314. Raſt. 604.

DErechief la ou leſchetour ou le viſconte ſeiſiſt en la mein le Roi autri terres la ou il nad reſon de ſeiſir e puis quaunt trove eſt la non reſon les iſſues du meen temps unt eſte cea en arere retenuz e ne mie renduz quant le Roi ad la mein oſte voet le Roi qe deſoremes la ou terres ſont iſſint ſeiſies e puis le mein oſte par ceo qil nad reſon de ſeiſir ne detenir ſoient les iſſoes pleinement rendues a celui a qui la terre demoeret e avera le damage receu.

CAP. XX.

Veſſels of Gold ſhall be eſſayed, touched, and marked. The King's Prerogative ſhall be ſaved.

Inſt. 574. Veſſels of Gold and Silver ſhall be eſſayed and touched.

'IT is ordained, That no Goldſmith of *England* nor none otherwhere within the King's Dominion, ſhall from henceforth make, or cauſe to be made, any Manner of Veſſel, Jewel, or any other Thing of Gold or Silver, except it be of good and true Allay; that is to ſay, Gold of a certain Touch, and Silver of the Sterling Allay, or of better, at the Pleaſure of him to whom the Work belongeth; and that none work worſe Silver than Money. And that no Manner of Veſſel of Silver depart out of the Hands of the Workers, until it be eſſayed by the Wardens of the Craft; and further, that it be marked with the Leopard's Head; and that they work no worſe Gold than of the Touch of *Paris*. And that the Wardens of the Craft ſhall go from Shop to Shop among the Goldſmiths, to eſſay if their Gold be of the ſame Touch that is ſpoken of before; and if they find any other than of the Touch aforeſaid, the Gold ſhall be forfeit to the King. And that none ſhall make annealed Croſſes, nor vermilioned Croſſes; and that none ſhall ſet any Stone in

Veſſels marked with the Leopard's Head. Altered by 8 & 9 W. 3. c. 8. ſ. 9, and 6 G. 1. c. 11. ſ. 41.

ORdene eſt qe nul oufeure dEngleterre ne daillours de la ſeignurie le Roi ne overe ne face de ci en avant nule manere de veſſele de joiaus nautre choſe dor ne dargent qe ne ſeit de bon e de verrai alai ceſt aſavoir or de certeine tuche e argent del alay de le eſterling ou de meilur alay ſolunc la volente de celui a qui les ovres ſont. E qe nul ne overe pir argent qe moneie. E qe nul manere de veſſele de argent ne parte hors des meins as overers tant qe ele ſoit aſſaie par les gardiens du meſter e qe ele ſoit ſignee de une teſte de leopart qe nul ne overe pir or qe tuche de Parys. E pe les gardeins du meſter aillent de ſhope en ſhope entre les overers aſſaiant qe lor ſoit tiele come le tuche avantdite e ſil trovent nul pir qe la tuche qe lovere ſoit forfet au Roi. Qe nul ne face anels croys

Ex Rot. in Turr. Lond.

croys ne fermail crois qe nul ne mette pere en or ſi il ne ſoit naturele. Qe taillurs de amans e de ſeals qe il rendent a cheſcuny ſon poys dargent e dor auſi avant come il le poent ſaver ſur leur leaute e les jueus dor qil unt entre meins de viele overe qil ſen deliverent a pluſtoſt qil poent e ſil achatent deſore en avant de meiſme cele overe qil le achatent per depeſcer e ne mie pur revendre e en totes les bones viles dEngleterre ou y a orfeures qil facent meiſmes les eſtatutz qe ceus de Loundres ſount e qe un vieigne de cheſcune vile per touz a Loundres de querre lour certain tuche. E ſi nul orfeure ſoit atteint qe autrement le face qe deſus ne eſt ordene ſoit puny par priſon e par ranceon a la volunte le Roi. En totes les choſes deſuſdites ne cheſcune de eles voet le Roi e entent il & ſoen conſail e touz ceus qui a ceſt ordenement furent qe le droit e la Seignurie de ſa Coroune ſavez lui ſoient par tout.

'Gold, except it be natural. And that Gravers or 'Cutters of Stones and of Seals ſhall give to each 'their Weight of Silver and Gold (as near as they 'can) upon their Fidelity; and the Jewels of Gold 'of old Work which they have in their Hands, 'they ſhall utter as faſt as they can; and from hence-'forth, if they buy any of the ſame Work, they ſhall 'buy it to work upon, and not to ſell again; and that 'all the good Towns of *England*, where any Gold-'ſmiths be dwelling, ſhall be ordered according to this 'Statute as they of *London* be; and that one ſhall come 'from every good Town for all the Reſidue that be 'dwelling in the ſame, unto *London*, to be aſcer-'tained of their Touch. And if any Goldſmith be 'attainted hereafter, becauſe that he hath done other-'wiſe than before is ordained, he ſhall be puniſhed 'by Impriſonment, and by Ranſom at the King's 'Pleaſure. And notwithſtanding all theſe Things 'before mentioned, or any Point of them, both the 'King and his Council, and all they that were pre-'ſent at the making of this Ordinance, will and in-'tend that the Right and Prerogative of his Crown 'ſhall be ſaved to him in all Things.'

Repealed by 21 Jac. 1. c. 28. What Stones may be ſet in Gold.

The Prerogative of the Crown ſhall be ſaved. *Enforced and amended by* 37 E. 3. c. 7. 2 H. 6. c. 14. *and* Silver.

17 Ed. 4. c. 1. 4 H. 7. c. 2. 18 El. c. 15. *See farther Index, tit.* Gold

Stat. De Eſcheatoribus, *made at* Lincoln, *Octabis* Hilarii, Anno 29 EDW. I. *and* Anno Dom. 1301.

In what Caſe an *Amoveas manum* ſhall be granted, and in what a Reſeiſer.

Ex Rot. in Turr. Lond. *m.* 35. *D.*

AD parliamentum domini Regis apud Lincoln in octabis Sancti Hilarii anno regni ſui viceſſimo nono per conſilium Regis concordatum eſt coram domino Rege ipſo Rege conſentiente & illud extunc fieri & obſervari precipiente de conſilio venerabilis patris Walteri de Langeton Coventr' & Lich' Epiſcopi tunc ejuſdem domini Regis Theſaurarii Johannis de Langeton tunc Cancellarii Rogeri le Brabazon Johannis de Mettingham Radulphi de Hengham Willielmi de Bereford Rogeri de Hengham Gilberti de Roubury Willielmi Haward Willielmi de Carleton Willielmi Inge Johannis de Lythegreyns Ade de Crokedayk Willielmi de Brompton Johannis de Drokenesford Johannis de Benſted Willielmi de Mortuo Mari Walteri de Glouc' tunc Eſcaetore citra Trentam videlicet quod cum inquis' per Eſcaetores ſuos capte per quecumque brevia regis in Canc' ipſius domini Regis fuerint retornate & per eaſdem inquis' compertum fuerit quod nichil teneatur de ipſo domino Rege per quod cuſtodia terrarum & tenementorum ratione hujuſmodi inquis in manu domini Regis per ipſos Eſcaetores capte ad ipſum dominum Regem ullo modo pertineat quod ſtatim & abſque dilatione aliqua mandetur per breve domini Regis per Canc' precipiend' quod Eſcaetores de terris & ten' in manum Regis per ipſos captis manum ſuam amoveant omnino & exitus ſi quos levaverint de ipſis terris & ten' ſic in manum Regis per ipſos captis de tempore quo terre & ten' in manu Regis extiterint integre reddant ipſi vel ipſis cui vel quibus per inquis' prius per eoſdem Eſcaetores cap-

'AT the Parliament of our Lord the King at *Lincoln*, in the *Utas* of St. *Hilary*, the twenty-'ninth Year of his Reign, by his Council it was 'agreed before our Lord the King, the King himſelf 'conſenting and commanding, That from thence it 'ſhould be obſerved and done according to the Ad-'vice of the Reverend Father *W. Langton*, the Bi-'ſhop of *Coventree* and *Lichfield*, and Treaſurer to 'the King, *John Langton* then being Chancellor, and 'other of the Council there preſent before the King; 'That where Inqueſts taken by his Eſcheators, by 'any of the King's Writs purchaſed out of the 'Chancery being returned, and it be found by ſuch 'Inqueſts, that nothing is holden of the King where-'by the King ought to have the Cuſtody of ſuch 'Lands and Tenements by Reaſon of the Inqueſts 'taken by his Eſcheators, that immediately and with-'out any Delay the Eſcheators ſhall be commanded 'by the King's Writ had out of the Chancery, to put 'from their Hands all the Lands and Tenements ſo 'taken into the King's Poſſeſſion; and if they have 'taken any Profits of ſuch Lands and Tenements ſo 'taken into the King's Hands by them, from the 'Time that ſuch Lands and Tenements fell into the 'King's Hands, they ſhall make full Reſtitution to 'him or them, for whom it was found by Inqueſts 'taken by the ſame Eſcheators, that ſuch Lands ought 'to remain; Saving alway to the King (in caſe that 'after ſuch Time as his Eſcheators have diſcharged 'their Hands by Force of the King's Writ, as be-'fore is ſaid) if any Thing happen to be found in the 'Chancery or the Exchequer, or in any other of the 'King's Courts, whereby the Cuſtody of ſuch Lands,

Kel. 177. Fitz. Livery, 11, 15. Dyer 168.

In what Caſe an Amoveas manum cum exitibus ſhall be granted.

'whereof the Escheators have discharged their Hands 'in Form aforesaid, should belong unto the King, 'that immediately he in whose Possession such Lands 'happen to be, shall be summoned by a Writ out of 'the Chancery, to be before the King at a certain Day 'wheresoever, &c. to shew if he can say any Thing, 'wherefore the King ought not to have the Custody of 'such Lands, according to the Form of the Evidences 'or Remembrances found for the King; and if he 'come in, and shew why the Custody of such Lands 'do not belong, or ought not to belong unto the King, 'but that it ought to remain to himself, he shall go 'quit, and retain the Custody; but if the Party 'warned doth not come, or if that he come and can 'shew nothing to put the King from the Custody, the 'Lands and Tenements shall be forthwith reseised into 'the King's Hands, to be kept in Name of Ward-'ship until the lawful Age of such Heirs, as before is 'said. And as it is said before, if it be found by In-'quests taken by the Escheators, and returned, that 'the Custody of the same Lands and Tenements con-'tained in the Inquest, and seised into the King's 'Hands, ought not to remain unto the King, then the 'Escheator shall be commanded forthwith to discharge 'his Hands thereof, and to restore the Issues wholly. 'In like Manner, if it be found afterward by Evi-'dences and Remembrances in the Chancery, Exche-'quer, or otherwise, as before is said, that our Lord 'the King ought to have the Wardship thereof, the 'King shall be answered for the whole Issues and Pro-'fits, by the Hands of such as held the same Lands 'and Tenements, from the Time they were first taken 'into the King's Hands by his Escheators by the 'Writs abovesaid. And this Order shall be held 'from henceforth in the Chancery, notwithstanding 'a certain Ordinance lately made by our Lord the 'King, concerning Lands and Tenements taken into 'his Hands by his Officers, and not to be delivered 'but by the King himself, and as it is contained in 'a certain *Dividenda*, [or *Indenture*] made between the 'King himself and his Chancellor, whereof one Part 'remaineth in the Custody of the Chancellor.'

A Reseisor of the Land into the King's Hand.

8 Co. 169. 5 H. 5. f. 2. Fitz. Traverse, 21. Bro. Reseiser, 32, 36, 37, 38. Fitz. Livery, 32, 34.

Regist. 314. Rast. 548.

Ex Rot. in Turr. Lond.

tas compertum fuerit quod terre & ten' illa debeant remanere salvo semper domino Regi quod si post-quam Escaetores sui manus suas amoverint per breve ipsius domini Regis ut predictum est aliquid contigerit inveniri in Canc' vel ad Scaccarium seu alibi in Curia Regis per quod custodia terrarum & ten' eorundem de quibus Escaetores manus suas amoverint in forma predicta domino Regi pertineat quod statim premuniatur ille in cujus seisin' ten' predicta fuerint per breve de Canc' quod sit ad cer-tum diem coram domino Rege ubicumque fuerit &c. ostens' si quid pro se habeat vel dicere sciat quare dominus Rex custodiam eorundem ten' ha-bere non debeat juxta formam evidentiarum seu memorandorum pro ipso Rege compertorum. Et si venerit & pro se ostendat quare eadem custodia ad dominum Regem non pertineat aut pertinere non debeat [*immo quod sibi remanere debeat recedat quietus & custodiam illam retineat si autem premuni-tus non venerit vel si venerit & nichil dicit quare Rex custodiam illam habere non debeat*] statim reseisientur terre & ten' illa in manum domini Regis nomine custodie tenend' usque ad legitimam etatem here-dum eorumdem. Et sicut superius dictum est quod si compertum fuerit per inquis' per Esc' factas & retornatas quod custodia eorundem terrarum & ten' in inquis' contentorum & in manum Regis seisito-rum domino Regi remanere non debeat quod sta-tim mandetur Esc' quod manus suas amoverint & exitus integre reddant &c. Eodem modo si post-quam compertum fuerit per evidentias & memo-randa in Canc' ad Scaccarium aut alibi ut predic-tum est quod dominus Rex custodiam eorundem habere debeat respondeatur ipsi domino Regi de exitibus integre per manus illorum qui terras & tenementa illa tenuerunt a toto tempore postquam ten' illa primo in manum ipsius domini Regis per Escaetores suos capte fuerunt per brevia supradicta. Et iste modus observetur decetero in Canc' non obstante quadam ordinatione nuper per dominum Regem facta de terris & ten' in manum suam per ministros suos captis & non liberandis nisi per ip-sum dominum Regem & prout continetur in qua-dam dividenda inter ipsum Regem & Canc' facta & cujus una pars penes Canc' remanet.

Tractatus de Ponderibus et Mensuris, Anno 31 EDW. I.

Cotton *MS. Claudius*, D. 2.

Amended by 12 H. 7. c. 5. *See farther* 16 *Car.* 1. *c.* 19. *and* 22 *Car.* 2. *c.* 8. 1 *Ann. stat.* 1. *c.* 15.

PER Ordinacionem tocius regni Anglie fuit mensura Domini Regis composita videlicet quod denarius qui vocatur sterlingus rotundus & sine tonsura ponderabit triginta duo grana frumenti in medio Spice. Et uncia ponderabit viginti denarios. Et duodecim uncie faciunt libram London. Et duodecim libre & dimid' faciunt petram London. Et octo libre frumenti faciunt galonem Libra continet viginti solidos. Et octo galones faciunt bussellum London[a]. Saccus lane debet ponderare viginti & octo petras & solebat ponderare unam summam frumenti & ponderat sextam partem unius carri de plumbo sexies viginti petre faciunt carrum plumbi scilicet magnum carrum London' set carrus del Peek est multo minus *.

Item carrus plumbi constat ex triginta fotmallis & quod libet fotmal continet sex petras duabus libris mi-nus. Et quelibet petra habet duodecim libras & quelibet libra constat ex viginti quinque solidis in pondere summa librarum in le fotmal lxx. summa petrarum in le Carre viii. xx & xv. petre & probetur per sexies tri-ginta que sunt novies viginti set in quolibet fotmal subtrahuntur due libra a predicta multiplicatione qe sunt lx. libre constituentes quinque petras. Ita sunt in le Carre viii. xx. xv. petre secundum vero quosdam alios le Carre consistit ex xii. Weyes & hoc secundum troni ponderacionem Weya enim tam plumbi quam lane lini

* Denarius Sancti Petri est elemosina Regis et omnes qui habeant xxx denar. vive pecunie in do-mo sua dabunt illum denarium

in festo Apostolorum Petri et Pauli. Al. MS.

[a] The Translation of the Beginning of this Ordinance, thus far, is printed before, in the *Assisa panis*, &c. *fol.* 21. The Rest from the *Secunda Pars Veterum Statutorum*.

sepi

Cotton *MS. Claudius*, D. 2.

ſepi caſei ponderabunt xiiii. petras & duo Weye lane faciunt ſaccum. Et xii. ſacci faciunt le laſt †. Laſt vero allecis continet decem miliaria. Et quodlibet miliare continet x. c. Et quodlibet c. continet vi. xx.

Item laſt coriorum conſtat ex viginti dacris & quodlibet dacre conſtat ex decem coriis.

Item dacre Cirotecarum conſtat ex decem paribus dacre vero ferrorum equorum conſtat ex viginti ferris.

Item duodena cirotecarum pergameni & alute continet in ſuo genere xii. pelles vel xii. paria cirotecarum.

Item centena cere zucarii piperis cumini amigdalarum & alome continet xiii. petras & dimid' & quelibet petra continet viii. li. ſumma librarum in centena cviii. libre. Et conſtat centena ex v. xx. Et quelibet libra ex viginti quinque ſolidis. Et ſciend' quod quelibet libra de denariis & ſpeciebus utpote in electuariis conſiſtit ſolummodo ex pondere xx. s. Libra vero omnium aliarum rerum conſiſtit ex viginti quinque ſolidis Uncia vero in electuariis conſiſtit ex viginti denariis. Et libra continet xii. uncias. In aliis vero rebus libra continet quindecim uncias uncia eſt hinc inde in pondere viginti denariorum Centena lini & Canabi & linee tele conſiſtit ex cent' ulnis. Et quelibet Centena conſiſtit ex vi. xx. Centena vero ferri & ſolidorum conſtat ex v. xx. Garba ‖ aſſeris conſtat ex triginta peciis Duodena ferri ex ſex peciis Item ſeem vitri conſtat ex xxiiii. petris & quelibet petra conſtat ex quinque libris. Et ita continet le ſeem vi. xx. libras.

Item binda anguillarum conſtat ex decem ſtiks Et quelibet ſtik ex viginti quinque anguillis Binda pellium continet xxxii. timbr' ſenellio cuniculorum & griſi continet quadraginta pelles Cheef de fuſtiano conſtat ex treſdecim ulnis Caput ſindonis ex decem ulnis Le rees allecium continet quindecim glenes Et quodlibet glene continet viginti quinque capita.

Item centene Mulvellorum & durorum piſcium conſtat ex viii. xx.

† Vragina eſt pondus ii. d. et ob. et ſcribitur ſecundum Phyſicos ſ. Alio MS.

‖ Chalybis Al. MS.

Stat. De Protectionibus, *made at* Weſtminſter 18 *die* Novembris, Anno 33 EDW. I. *Stat.* 1. *and* Anno Dom. 1304.

A Clauſe to repeal a Protection of the King's Service.

Cotton *MS. Claudius*, D. 2.

PUrceo qe moltz des gentz purchacent la protection le Roi en affermant qils furent hors du terre en le ſervice le Roi fauſement purveu eſt qe ſi lour adverſaires le voille chalenger la protection maintenaunt quant il eſt miſe en Courte & voille averrer per quauntqe le Courte agardera qil fuiſt dedeinz les quatre mieres & hors du ſervice le Roi & en certein lieu iffint qils purrount bien aver venuz ſoit lour chalenge entre mes ſoit la protection ſaunz jour ſelonc ſa nature Et quaunt la partie ſuera reſomons & il vieigne en Courte & demaunde jugement & dirra la proces & tendra daverer ſil lui voille atteindre Et ſi la pais die encountre lui qi port la protection il ſerra tourne en une defaute ſil ſoit tenaunt.

Et ſil ſoit demandaunt perdera ſon brief & ſerra en la greve mercie le Roi Dat' apud Weſtm' xviii. die Nov' Anno regni Regis EDWARDI triceſimo quarto.

"EDWARD by the Grace of God, *&c.* to all his true and faithful Subjects, Greeting. Foraſmuch as many do purchaſe the Protection of our Lord the King, affirming falſely that they were out of the Realm in the King's Service;" 'it is provided, That if their Adverſary will challenge the Protection, and immediately, when it is ſhewed in the Court, will aver that they were within the four Seas, and out of the King's Service in a Place certain, ſo that they might have well come, their Challenge ſhall be entered, and the Matter ſhall remain without Day, according to the Nature of the Protection. And when it ſhall be reſummoned, and he cometh into the Court, he ſhall demand Judgment and Hearing of the Proceſs, and offer to aver his Challenge, if his Adverſary will attend; and if the Country do paſs againſt him that caſt the Protection, it ſhall return to a Default, if he be Tenant; and if he be Demandant, he ſhall leeſe his Writ, and ſhall be amerced unto the King. Given at *Weſtminſter* the eighteenth Day of *November*, the thirty-fourth Year of King *Edward*.'

24 Ed. 3. f. 35. 47 Ed. 3. f. 6. 27 *Ed.* 1. *ſtat.* 2.

Regiſt. 24, 280. Raſt. 492. *See farther Index, tit.* Protection.

A Definition of Conſpirators, *made* Anno 33 EDW. I. *Stat.* 2. *and* Anno Dom. 1304.

Who be Conſpirators, and who be Champertors.

Cotton *MS. Claudius*, D. 2.

COnſpiratours ſount ceux qi ſe entrelient per ſerement covenant ou per autre alliaunce qe cheſcun eidera & ſuſtendra autri empriſe de

'CONſpirators be they that do confeder or bind themſelves by Oath, Covenant, or other Aliance, that every of them ſhall aid and bear 'the

20 H. 7. f. 11. Fitz. Barre, 4. Kel. 81.

Fitz. Conſp. 2, 4, 5, 10, 13, 14, 15, 16, 19, 21, 22, 25. 8 Co. 37. V. N. B. 56. F. N. B. 117. H. Raſt. 122. 2 Inſt. 562. 3 Inſt. 143.

‘ the other falſly and maliciouſly to indite, or cauſe ‘ to indite, or falſly to move or maintain Pleas; and ‘ alſo ſuch as cauſe Children within Age to appeal ‘ Men of Felony, whereby they are impriſoned and ‘ ſore grieved; and ſuch as retain Men in the ‘ Country with Liveries or Fees to maintain their ‘ malicious Enterpriſes; and this extendeth as well ‘ to the Takers, as to the Givers. And Stewards ‘ and Bailiffs of great Lords, which by their Seignory, ‘ Office, or Power, undertake to bear or maintain ‘ Quarrels, Pleas, or Debates, that concern other ‘ Parties than ſuch as touch the Eſtate of their Lords ‘ or themſelves. This Ordinance and final Definition of Conſpirators was made and accorded by the ‘ King and his Council in his Parliament the Thirty ‘ third Year of his Reign. And it was further ordained, That Juſtices aſſigned to the hearing and ‘ determining of Felonies and Treſpaſſes, ſhould have ‘ the Tranſcript hereof[a].

Cotton *MS.*

fauſement & maliciouſement enditer ou faire enditer ou fauſement mover plees ou maintenir & auxi ceux qi ſount enfauntz deinz age appeller les gentz des felonies per quoi ils ſount en priſonez & moult grevez & ceux qi retiegnont gentz a lour robes & a lour fees pur maintenir lour melveis empriſes & pur verite eſteindre auxibein les pernours come les donours & Seneſchalx & Bailiffs des grauntz Seignurs qi per lour ſeignurie office ou poer emprenent a meintenir ou a ſuſtenir plees ou barettez pur autres parties que cels qe touchent leſtat lour ſeignur ou eux-meſmes.

Iſta ordinacio & finalis diffinicio Conſpiratorum facta fuit & finaliter concordata per Regem & conſilium ſuum in parliamento ſuo anno triceſimo tercio & ordinatum eſt quod Juſtic' aſſignati ad diverſas felonias & tranſgreſſiones audiend' & terminand' habeant tranſcriptum.

The Statute of Champerty, *made* 18 Septembris, Anno 33 EDW. I. *Stat.* 3. *and* Anno Dom. 1305.

The Puniſhment of ſuch as commit Champerty.

3 Ed. 1. c. 25, 28 & 33. 13 Ed. 1. ſtat. 1. c. 49. 28 Ed. 1. ſtat. 3. c. 11. Raſt. 119. 20 H. 6. f. 33. 9 H. 7. f. 18. 15 H. 7. f. 2. Regiſt. 183. *Enforced by* 1 *Ed.* 3. *ſtat.* 2. *c.* 14. 4 *Ed.* 3. *c.* 11. 20 *Ed.* 3. *c.* 4. 1 *Rich.* 2. *c.* 4. 7 *R.* 2. *c.* 15. *and* 32 *H.* 8. *c.* 9. *againſt buying of Titles, &c. which farther enforces the Statutes againſt Maintenance, &c.*

“ WHERE it is contained in our Statute, that “ none of our Court ſhall take any Plea to “ Champerty by Craft nor by Engine; “ and that no Pleaders, Apprentiſes, Atturnies, “ Stewards of great Men, Bailiffs, nor any other of “ the Realm, ſhall take for Maintenance, or the like “ Bargain, any Manner of Suit or Plea againſt other, “ whereby all the Realm is much grieved, and both “ Rich and Poor troubled in divers Manners;” ‘ it is provided by a common Accord, That all ſuch as ‘ from henceforth ſhall be attainted of ſuch Empriſes, ‘ Suits, or Bargains, and ſuch as conſent thereunto, ‘ ſhall have Impriſonment of Three Years, and ſhall ‘ make Fine at the King's Pleaſure. Given at *Berwick* ‘ upon *Tweed* the Twentieth Year of the Reign of ‘ King EDWARD. Our Lord the King, at the Information of *Gilbert Rowbery*, Clerk of his Council, ‘ hath commanded, That whoſoever will complain himſelf of Conſpirators, Inventors, and Maintainors ‘ of falſe Quarrels, and Partakers thereof, and Brokers of Debates, that *Gilbert Thornton* ſhall cauſe them ‘ to be attached by his Writ, that they be before our Sovereign Lord the King, to anſwer unto the Plaintiffs by this Writ following:

Cotton *MS. Claudius*, D. 2.

COME contenu ſoit en noſtre eſtatut qe nulle homme en noſtre Courte nempreigne plai en Champart ne per arte ne per engine & Countours Attournees Apprentis Seneſchalx Bailliffs a hautes hommes & autres de la terre ja empernent a champert & per autres bars touz maneres de plees encountre toute manere de gent perount toute la terre eſt trop greve & riches & povres ſont travailles en moltz maneres.

Purveu eſt per commune Acorde qe touz ceux qe deſoremes ſerront atteintz de tiels empriſes ſeutes & bargaines & ceux qe a tiel choſe ſe aſſenteront eient la priſone le Roi de trois annz & nepurqaunt ſerront reint a la volunte le Roy.

Writ of Conſpiracy.

II. Rex vic' ſalutem. Præcipimus tibi, quod ſi A. de G. fecerit te ſecurum de clamore ſuo proſequendo tunc pone per vadium & ſalvos plegios G. de C. quod ſit coram nobis in octabis ſancti Joh' Baptiſtæ, ubicunque tunc fuerimus in Anglia, ad reſpondendum prædicto A. de placito conſpirationis & tranſgreſſionis, ſecundum ordinationem noſtram nuper inde proviſam, ſicut idem A. rationabiliter monſtrare poterit, quod ei inde reſpondere debeat, & habeas ibi nomina plegiorum & hoc breve. Teſte, &c.

[a] Though the following Definition of “ CHAMPERTORS,” does not appear in the original Text, yet it has been added to former Editions of the Statutes at Large—“ Champertors be they that move Pleas and Suits, or cauſe to be moved, “ either by their own Procurement, or by others, and ſue them at their proper Coſts, to have Part of the Land in Va- “ riance, or Part of the Gains.”

An

An Ordinance for Inqueſts, *made* 18 Septembris, Anno 33 EDW. I. *Stat.* 4. *and* Anno Dom. 1305.

He that challengeth a Jury or Juror for the King ſhall ſhew his Cauſe.

Cotton *MS. Claudius*, D. 2.

DE inquiſicionibus coram Juſtic' quibuſcumque capiend' & in quibus dominus Rex eſt pars qualitercumque concordatum eſt per dominum Regem & totum conſilium ordinatum quod de cetero licet per ipſos qui pro domino Rege ſequuntur dicatur quod juratores inquiſitionum illarum ſeu aliqui illorum non ſunt boni pro Rege non propter hoc remaneant inquiſitiones ille capiende ſet ſi illi qui ſequuntur pro Rege aliquos juratorum illorum calumpniati fuerint aſſignent certam cauſam calumpnie ſue & inquiratur veritas illius calumpnie ſecundum conſuetudinem Cur' & procedatur ad captionem illarum inquiſitionum prout compertum fuerit ſi calumpnie vere ſint nec ne juxta diſcretionem Juſtic' Iſta ordinatio precedens & ordinatio de foreſta facte fuerunt in Parliament' apud Weſtm' die dominica prox' poſt feſtum ſancti Michaelis Anno Regni Regis E fil' Regis H. triceſimo tercio.

'OF Inqueſts to be taken before any of the Juſtices, and wherein our Lord the King is Party howſoever it be; it is agreed and ordained by the King and all his Council, That from henceforth, notwithſtanding it be alledged by them that ſue for the King, that the Jurors of thoſe Inqueſts, or ſome of them, be not indifferent for the King, yet ſuch Inqueſts ſhall not remain untaken for that Cauſe; but if they that ſue for the King will challenge any of thoſe Jurors, they ſhall aſſign of their Challenge a Cauſe certain, and the Truth of the ſame Challenge ſhall be enquired of according to the Cuſtom of the Court; and let it be proceeded to the taking of the ſame Inquiſitions, as it ſhall be found, if the Challenges be true, or not, after the Diſcretion of the Juſtices. Raſt. 115. Fitz. Chall. 17, 63, 65, 107. Bro. Chall. 21, 154.

'II. This Ordinance precedent, and the Ordinance following of the Foreſt, were made in the Parliament at *Weſtminſter*, the *Sunday* next before the Feaſt of Saint *Michael*, the three and thirtieth Year of the Reign of King EDWARD, Son of King HENRY.' *See farther* 25 *Ed.* 3. *ſtat.* 5. *c.* 3. 7 *H.* 7. *c.* 5. *and* 33 *H.* 8. *c.* 23.

Ordinatio Foreſtæ, *made* Anno 33 EDW. I. *Stat.* 5. *and* Anno Dom. 1305.

They whoſe Woods are diſaforeſted, ſhall not have Common or other Eaſement in the Foreſt.

Cotton *MS. Veſpaſian*, B. 7.

QUIE aſcuns gentz de ſont mys hors de Foreſte per la puraille & per le graunt noſtre Seignur le Roy eient requis a ceſte parlement qil ſoient quitz de la paſture & des choſes qe les foreſters lour demandont ſicom ils ſoleient avant faire noſtre Seignur le Roy reſpont puis qil ad graunte la puraille qil luy pleſt bien qele eſtoit auxicome il ad graunte Ja ſoit ceo qe la buſoigne eſtoit ſuy & mande en maveys point Mes au meyns entent il & voet il qe touz cez demeyns terre qele part qil ſoient qont eſtee de la coroune aunciene-ment ou qa la Coroune ſoient retournez per voye deſchete ou en autre manere eient eſtee de franche chace & de franche gareyn et en tiel manere ſoient tenuz & gardez a ſon oeps pur toutz manerez dez beſtez & pur tout manere des duytz qe luy plerra En et droit de celes qe terrez & tenementz ſont deforeſtes per la dite puraille & qe demandent daver commune dedeinz bondez dez foreſtes lentencion & la voluntee noſtre Seignur le Roy eſt puis qe per lez puraillez ils cleyment eſtre quitez de paſture dez foreſtez & qe lez beſtes le Roy ne poent avoir lour haunt ne lour repeire ſur lez terrez dezaforeſtez ſicom ils avoient tanqe come meſmes lez terrez eſtoient deinz foreſte qe tiels gentz ne deyvent avoir commune nautre eyſement deinz lez bondez dez boys ne dez terrez qe demurent en foreſt mes ſi aſcun de teux qe ſont dezafforeſtees per

"WHEREAS certain People that be put out of the Foreſt for the Purliew, and by the great Men have made Requeſt to our Lord the King at this Parliament, that they might be acquitted of their Charge, and of Things that the Foreſters demand of them, as they were wont to be;" our Lord the King anſwered, firſt, That where he had granted Purliew, that he was pleaſed that it ſhould ſtand in like Manner as it was granted, albeit that the Thing was ſued and demanded in an evil Point; nevertheleſs he willeth and intendeth, that all his demean Lands whereſoever they be, that have been of the Crown, being returned by way of Eſcheat, or otherwiſe, ſhall have Eſtate of Free-chaſe and Free-warren, and in ſuch Manner ſhall be ſaved and kept to his Uſe for all Manner of Beaſts, and for all Manner of Things that pleaſeth him. And in Right of them that have Lands and Tenements diſaforeſted for the ſaid Purliew, and ſuch as demand to have Common within the Bounds of Foreſts, the Intent and Will of our Lord the King is, That from henceforth (where Purliew is) they may claim to be quit of Charge of the Foreſts. And whereas the King's Beaſts cannot have their Haunt and Repair unto the Ground diſaforeſted, as they had ſo long as they were within the Foreſts, that ſuch Folk ſhall not have Common, nor other Eaſement within the Bounds of the Woods, nor of the Lands, the which 2 Inſt. 303.

They which will return their Woods into the Foreſt, ſhall have Common as they had before.

'which remain in Foreſt: But if any of them that be 'diſaforeſted by the Purliew, would rather be within 'the Foreſt as they were before, than to be out of the 'Foreſt as they be now; it pleaſeth the King very 'well that they ſhall be received thereunto, ſo that 'they may remain in their antient Eſtate, and ſhall 'have Common and other Eaſement as well as they
See 16. Car. 1. c. 16. ſ. 9. 'had before. Whereupon our Lord the King wil-'leth and commandeth, That his Juſtices of the 'Foreſt on this Side *Trent*, and beyond *Trent*, in like 'Manner ſhall keep and hold, and cauſe to be kept 'and holden ſtraitly the foreſaid Points within their 'Liberties in the Form above mentioned.'

Cotton *MS.*

Ia puraille voillent eſtre mieux dedeinz foreſte come avant furent qe de hors ſicom ſont ore il pleſt bien al Roy qils ſoient a ceo reſceux iſſint qils puiſſent demurer en lour eſtat aunciene & commune & autre eſement aver dedeinz cez foreſtez auxicom il avoient devant Pur quei noſtre Seignur le Roy voet & comande qe ſez Juſticez de ſez foreſtez de ca Trente & de la Trente enſement tiegnent & gardent & tenir & garder facent fermement lez ditz pointz en lour bailliez en la foreſte avantdite. Irrotulatur in banco.

An Ordinance for Meaſuring of Land, *made* Anno 33 EDW. I. *Stat.* 6. *and* Anno Dom. 1305.

'WHEN an Acre of Land containeth *x* Perches 'in Length, then it ſhall be in Breadth *xvi* 'Perches; when it containeth *xi* Perches 'in Length, then it ſhall be in Breadth *xiv di.* and 'three Quarter of one Foot; when it is *xii*, then '*xiii*, *v* Foot, and *di*; when it is *xiii*, then *xiii*, *v* 'Foot, and almoſt an Inch; when *xiv*, then *xi.* '*vii* Foot, and almoſt an Inch; when *xv*, then *x* 'and *di. ii* Foot, and *iii* Quarter of a Foot; when '*xvi*, then *x*; when *xvii*, then *ix*, *vi* Foot, *iii* q. of a 'Foot, and almoſt half an Inch; when *xviii*, then *viii*, '*xiv Foot*, and *viii* Inches; when *xix*, then *viii*, *vi* 'Foot, and *xi* Inches, and *di*; when *xx*, then *viii* 'Perches; when *xxi*, then *vii* Perches, *x* Foot, *ii* 'Inches, and *iii* q. of an Inch; when *xxii*, then *vii*, '*iv* Foot and a Half; when *xxiii*, then *vi*, *iii* q. *ii* 'Foot, and *xi* Inches and *di.*; when *xxiv*, then *vi* and '*di. ii* Foot, and *vi* Inches; when *xxv*, then *vi*, *vi* 'Foot, and almoſt *ii* Inches; when *xxvi*, then *vi*, '*ii* Foot, and almoſt *di.*; when *xxvii*, then *v*, *iii* 'Quarter, *v* Inches, and *di.*; when *xxviii*, then *v*, '*xi* Foot, *x* Inches, and *di.*; when *xxix*, then *v*, *viii* 'Foot, *v* Inches, and *di.*; when *xxx*, then *v*, *v* Foot, 'and *di.*; when *xxxi*, then *v*, *ii* Foot, and *viii* Inches; 'when *xxxii*, then *v*; when *xxxiii*, then *iv*, *xiv* 'Foot, and *iv* Inches; when *xxxiv*, then *iv* and *di.* '*iii* Foot, and *iv* Inches; when *xxxv*, then *iv* and *di.* '*i* Foot, *iii* Inches and *di.*; when *xxxvi*, then *iv*, *vii* 'Foot and *iv* Inches; when *xxxvii*, then *iv*, *v* Foot 'and *iv* Inches; when *xxxviii*, then *iv*, *iii* Foot, and 'almoſt *di.*; when *xxxix*, then *iv*, *i* Foot, and almoſt '*ix* Inches; when *xl.* then *iv.*; when *xli.* then *iii*, '*iii* q. *i* Foot, and *x* Inches; when *xlii*, then *iii*, '*iii* q. and *vii* Inches; when *xliii*, then *iii.* and *di.* '*iii* Foot, and an Inch and *di.*; when *xliv*, then *iii.* 'and *di. ii* Foot, and *iii* Inches; when *xlv*, then *iii* 'and *di. di.* a Foot, and *iii* Inches.'

Cotton *MS. Veſpaſian*, B. 7.

QUANDO acra continet decem perticas in longitudine tunc continebit in latitudine xvi. Qu. xi. tunc xiv. dim. & j. pedem. Qu. xij. tunc xiij. dimid. ped. Qu. xiij. tunc xiij. j. ped. & di. Qu. xiiij. xj. j. ped. & j. pollicem. Qu. xv. x. & di. ij. ped. & dimid. Qu. xvj. x.

Qu. xvij.	ix. iij. pedes iij. pollices & di.
Qu. xviii.	tunc viij. xiiij. ped. di.
Qu. xix.	tunc viij. vi. pedes.
Quando xx.	tunc viij. pertic.
Quando xxj.	tunc vij. & demy ij. ped.
Quando xxij.	tunc vij. iiij. ped. & di.
Quando xxiij.	tunc vj. & di. iij. pedes.
Quando xxiiij.	tunc v. di. ij. ped. & j. pollic'.
Quando xxv.	tunc v. viij. ped. & iij. pollic'.
Quando xxvj.	tunc v. iij. ped.
Quando xxvij.	tunc v. j. ped.
Quando xxviij.	tunc v. di. ped.
Quando xxix.	tunc v. iiij. pollic'.
Quando xxx.	tunc v. v. ped. pollic'.
Quando xxxj.	tunc v.
Quando xxxij.	tunc iiij. di. iij. pedes.
Quando xxxiij.	tunc iiij. j. ped.
Quando xxxiiij.	tunc iiij. & di. iij. ped.
Quando xxxv.	tunc iiij. viij. pedes.
Quando xxxvj.	tunc iiij. qrt' iiij. pedes.
Quando xxxvij.	tunc iiij. iiij. ped. & di.
Quando xxxviij.	tunc iiij. ij. & j. pollic'.
Quando xl.	tunc iiij.
Quando xlj.	tunc iij. di. j. qrt'. ij. ped.
Quando xlij.	tunc iij. ii. ped. & di. ped.
Quando xliij.	tunc iij. ij.
Quando xliv.	tunc iij. d. ped. & v. pollic'.
Quando xlv.	tunc iij. & di. ped.

Th

The Statute De conjunctim Feoffatis, *made* 27 Maii, Anno 34 EDW. I. *Stat.* 1. *and* Anno Dom. 1306.

Jointenancy pleaded in Abatement of a Writ, &c.

Ex Rot. In Turr. Lond. *m.* 34.

REX omnibus ad quos &c. ſalutem. Non eſt novum quod nos inter ceteras legum editiones quas temporibus noſtris adinvenimus pro nimia enormi tranſgreſſione que in brevibus Nove diſſeiſine contingit pre ceteris in illis brevibus celerius opponi decrevimus remedium. Et quia quampluries contingit quod in aſſiſis Nove diſſeiſine tenens excipit contra querentem quod tenet tenementa petita conjunctim feoffatus cum uxore ſua non nominata in brevi aliquando cum aliquo extraneo qui ſimiliter non nominatur in brevi & profert cartam que hoc teſtatur & petit judicium de brevi concordatum eſt & ſtatutum quod ſi pars querens offerat verificare per aſſiſam quod die impetrationis brevis ſui ille qui talem exceptionem propoſuit fuerat ſolus tenens ita quod uxor ſua nec alius aliquid habuit in predictis tenementis tunc Juſticiarii coram quibus predicta aſſiſa arrainiata eſt retineant predictam cartam ſalvo in cuſtodia eorumdem quouſque aſſiſa inde inter eos tranſierit ut illam que quaſi dedicta eſt. Et ſcire faciant per breve noſtrum ſub eorum teſtimonio parti abſenti quam carta teſtatur ſimul cum tenente qui preſens eſt conjunctim feoffatos quod ſit ad certum diem reſponſura ſimul cum alio tenente parti querenti tam de exceptione propoſita quam de tenementis petitis & poſitis in viſu ſi ſibi viderit expedire. Ad quam diem ſi ambo qui dicuntur tenentes venerint & feoffamentum illud advocaverint reſpondeant & manuteneant exceptionem per unum eorum propoſitam & ſimiliter ulterius ad aſſiſam ac ſi breve originale ſuper eos conjunctim fuiſſet impetratum. Et ſi convincatur per aſſiſam quod exceptio illa in retardationem juris querentis malitioſe fuit propoſita eo quod ipſi non fuerunt conjunctim feoffati de tenementis illis die impetrationis predicti brevis tunc licet aſſiſa illa tranſierit pro tenentibus & contra querentem nichilominus puniantur talem exceptionem proponentes per priſonam unius anni a qua non exeant abſque gravi redemptione. Et caveant decetero Juſticiarii quod talem exceptionem ſic propoſitam per ballivos aliquorum tenentium non admittant. Si autem ille qui exceptionem propoſuit ſe ad diem illum abſentaverit & alter qui dicitur conjunctim feoffatus comparuerit licet ipſe comparens predictam cartam diſadvocaverit & dixerit ſe nichil habere in predictis tenementis nichilominus adjudicetur aſſiſa verſus tenentem abſentem per ejus defaltam. Et ſi convincatur per aſſiſam quod ipſi non fuerant conjunctim feoffati die impetrationis brevis predicti & ſimiliter convincatur quod tenens ſuper quem breve fuit impetratum vel alius nominatus in brevi diſſeiſierit querentem tunc habita conſideratione ad exceptionem in leſionem partis falſo & malitioſe propoſitam & ad diſſeiſinam per eos factam pars querens recupe-

“ THE King unto all to whom theſe, *&c.* Greeting. It is no new Thing, that among divers Eſtabliſhments of Laws, which we have ordained in our own Time upon the great and heinous Miſchiefs that happen in Writs of *Novel diſſeiſin* chiefly above other, we have deviſed more ſpeedy Remedy in thoſe Writs than was before. And foraſmuch as it chanceth many Times in Aſſiſes of *Novel diſſeiſin*, that the Tenant doth except againſt the Plaintiff, that he holdeth the Tenements in Demand jointly with his Wife, not named in the Writ, and ſometime with a Stranger not named in the Writ, and ſheweth forth a Deed teſtifying the ſame, and demandeth Judgement of the Writ;” ‘ it is agreed and ordained, That if the Plaintiff will offer to aver by Aſſiſe, that the Day of his Writ purchaſed, he that alledged the Exception was ſole Tenant, ſo that neither his Wife, nor any other had any Thing in the ſaid Lands, then the Juſtices, before whom the Aſſize is arraigned, ſhall retain the ſame Deed ſafely in their Keeping (until the Aſſize be tried between them thereupon) as that which is in a ſort denied. And they ſhall let the Party abſent to underſtand by our Writ under their Teſtimony, and alſo to the Jointenant that is preſent, of whom the Deed maketh mention, that he be preſent at a certain Day with the other Tenant, to anſwer unto the Party Plaintiff, as well upon the Exception alledged, as of the Lands demanded and put in View, if it ſeem expedient for him; at which Day if both that are named Tenants do come in, and do juſtify the ſame Feoffment, they ſhall anſwer and maintain the Exception alledged by one of them, and further ſhall anſwer unto the Aſſize as though the original Writ had been purchaſed againſt both of them jointly. And if it be proved by Aſſize, that the Exception was alledged maliciouſly, to delay the Plaintiff of his Right, ſo that they held not the ſame Land jointly the Day of the Writ purchaſed, then albeit the ſame Aſſize do paſs for the Tenants, and againſt the Plaintiff, yet they that alledge the Exception, ſhall be puniſhed by one Year's Impriſonment, whence they ſhall not be delivered without a grievous Fine. And let the Juſtices be well adviſed, That from henceforth they do not allow an Exception alledged by the Bailiffs of any ſuch Tenants. But if he that alledgeth the Exception abſent himſelf at his Day, and the other that is named Jointenant do appear, although he that doth appear doth diſavow the ſame Deed, and ſay that he hath nothing in the foreſaid Tenements; nevertheleſs the Aſſiſe ſhall paſs againſt the Tenant that is abſent by his Default. And if it be found by Aſſiſe, that they were not jointly enfeoffed the Day of the Writ purchaſed, and likewiſe that the Tenant againſt whom the Writ was purchaſed, or another named in the Writ, did diſſeiſe the Plaintiff, then having regard to the Exception that was falſly and maliciouſly alledged to the Hurt of the Party, and to the Diſſeiſin that they made, the Party Plaintiff ſhall recover his Seiſin

13 Ed. 1. ſtat. 1. c. 25. Fitz. Brief, 757. 2 Inſt. 524.

Hob. 95. What ſhall be done when the Tenant in Aſſiſe doth plead Jointenancy.

A Scire facias awarded to the Jointenant. Fitz. Proceſs, 49, 158.

Jointenancy in Aſſiſes ſhall not be pleaded by Bailiffs.

'and double Damages, and they that alledge the falſe 'Exception ſhall have the Puniſhment aforeſaid. 'But if neither of the Tenants do come at the Day, 'then upon their Default the Aſſiſe ſhall paſs againſt 'them. And if it be found thereby, that the ſame 'Exception was lawfully and truly alledged, and that 'they which alledged it were jointly ſeiſed before 'the Plaintiff purchaſed his Writ againſt them, the 'Aſſiſe ſhall paſs no further, but the Writ ſhall be 'abated. The ſame ſhall be obſerved, if both or one 'only do appear, if it be found by Aſſiſe that the Ex-'ception aforeſaid was truly alledged, as before is 'ſaid. In the ſame Order it is eſtabliſhed and agreed, 'That in Aſſiſes of *Mortdaunceſter*, and *Juris utrum*, 'at the firſt Day that the Parties appear in Court, if 'the Tenant alledge the foreſaid Exception againſt 'the Demandant, ſhewing a Deed thereupon, and 'the Demandant will offer to aver by the Aſſiſe or 'Jury, that at the Day of his Writ purchaſed, he that 'alledged the Exception was ſole Tenant, from thence 'the ſame Proceſs and Manner of Proceeding ſhall be 'uſed in Aſſiſes of *Mortdaunceſter* and Writs of *Juris 'utrum*, as before is ordained in Aſſiſes of *Novel diſſei-'ſin*, and like Puniſhment ſhall be inflicted upon the 'Offenders and thoſe that be convict. In other Writs 'whereby Tenements are demanded, ſuch Proceſs 'ſhall be made, that if at the firſt Day that the Parties 'appear in Court, the Tenant doth alledge the fore-'ſaid Exception of a joint Feoffment, and the De-'mandant will offer to aver by the Country, that the 'Day of the Writ purchaſed, he that alledged the Ex-'ception was ſole Tenant, then the ſame Proceſs and 'Manner of Proceeding ſhall be obſerved betwixt the 'Parties until a Jury have paſſed between them there-'upon. And if it be found by the Jury, that the 'ſame Exception was truly alledged, then the Writ 'of the Demandant ſhall abate; and if it be founden 'by the Jury, that the ſame Exception was falſly 'alledged, and to the Hindrance of the Party, then 'the Demandant ſhall recover his Seiſin of the Tene-'ments in Demand, and the Tenant ſhall be puniſh-'ed by the Pain above limited in Aſſiſes of *Novel diſſei-'ſin* as to the Impriſonment, and as to the Damages, 'according to the Diſcretion of the Juſtices. And 'we will and grant, That this Statute ſhall take his 'Effect the Morrow after the Feaſt of Saint *Peter ad 'vincula* next coming. Foraſmuch alſo as Pleas in 'Court Spiritual heretofore had many Times unmeet 'Delays, for that our Writ that is called *Indicavit* 'was many Times brought before the Judges of ſuch 'Matters when they were begun, and thereupon our 'chief Juſtices could not proceed lawfully, nor in 'due Manner to award a Writ of Conſultation upon 'ſuch Manner of Proceſs; it is agreed, That ſuch 'a Writ of *Indicavit* ſhall not be granted from hence-'forth to any before the Matter hanging in the ſpiri-'tual Court between the Parties be recorded, and that 'our Chancellor ſhall be certified thereof by the Sight 'and Inſpection of the Libel. In Witneſs of which 'Thing we have cauſed theſe our Letters to be Pa-'tent, I myſelf being Witneſs at *Weſtminſter*. Given 'the ſeven and twentieth Day of the Month of *May*, 'the four and thirtieth Year of our Reign.'

Jointenancy pleaded in Mortdaunceſter and Juris utrum.

Fitz. Brief, 762.

Jointenancy pleaded in other real Action.

2 Inſt. 364, 365.

When the Writ of Indicavit is to be granted. Regiſt. 35.

Ex Rot. in Turr. Lond.

ret ſeiſinam ſuam & dampna ſua in duplo et proponentes exceptionem illam habeant penam ſupradictam. Si autem neuter tenentium ad diem illum venerit tunc per eorum defaltam verſus eos capiatur aſſiſa. Et ſi compertum ſit per eandem aſſiſam quod exceptio illa vere & rite fuit propoſita quod ipſi qui eam proponunt fuerant conjunctim feoffati antequam querens breve ſuum verſus ipſos impetravit non procedatur ulterius ad aſſiſam ſet caſſetur breve querentis. Hoc idem obſervetur ſi ambo vel unus tantum venerit ſi comperiatur per aſſiſam quod exceptio predicta ut predictum eſt veraciter fuit propoſita. Eodem modo ſtatutum & concordatum eſt quod in aſſiſis Mortis anteceſſoris & Juratis de utrum ad primum diem quo partes comparuerint in Curia ſi tenens proponat predictam exceptionem contra petentem & de hoc pretendat cartam & petens offerat verificare per aſſiſam vel juratam quod die impetrationis brevis ſui ille qui talem exceptionem propoſuit fuit ſolus tenens extunc idem proceſſus & modus procedendi ſervetur in hujuſmodi aſſiſis Mortis anteceſſoris & Juratis de utrum qui preordinatus eſt & ſtatutus in aſſiſis Nove diſſeiſine et eadem pena delinquentibus & convictis infligatur. In aliis vero brevibus per que ten' petuntur talis fiat proceſſus quod ſi primo die quo partes comparuerint in Cur' tenens proponat exceptionem predictam de conjuncto feoffamento & petens offerat verificare per juratam patrie quod die impetrationis brevis ſui ille qui exceptionem illam propoſuit fuit ſolus tenens tunc idem proceſſus & modus procedendi ſervetur inter partes quouſque jurata inde inter eas tranſierit. Et ſi convincatur per juratam quod exceptio illa veraciter fuit propoſita tunc caſſetur breve petentis & ſi comperiatur per juratam quod exceptio illa falſo & in leſionem partis propoſita fuit tunc petens recuperet ſeiſinam ſuam de tenementis petitis & tenens puniatur per penam ſtatutam ſupra in aſſiſis Nove diſſeiſine quoad priſonam & quoad dampna ſecundum diſcretionem Juſtic'. Et volumus & concedimus quod iſtud ſtatutum incipiat tenere locum in craſtino feſti Sancti Petri ad vincula proximo futur'. Quia etiam lites in Curia Chriſtianitatis hactenus indebitas dilationes multotiens ſortiebantur per hoc quod breve noſtrum quod vocatur Indicavit Judicibus talium litium in initio earum delatum fuit & ſuper hoc capitalis Juſticiarius noſter ad conſultationem ſuper tali proceſſu faciendam rite ſeu debito modo nequivit procedere concordatum eſt quod tale breve Indicavit alicui decetero non concedatur antequam lis in Curia Chriſtianitatis inter partes fuerit conteſtata & quod per inſpectionem libelli Cancellarius noſter ſuper hoc certioretur. In cujus rei teſtimonium &c. T. R. apud Weſtm' xxvii die Maii [a].

[a] *The Notes following are on the Roll*, viz. Iſtud ſtatutum miſſum fuit Juſtic' de banco & in ſingulis comitatibus per Angliam. Et mandatum eſt prefatis juſtic' quod ſtatutum illud in dicto banco publice faciant proclamari & quantum ad ipſos pertinet firmiter obſervari. Eodem modo mandatum eſt ſingulis vicecomitibus per Angliam.

Articles

Articles of Inquiſition upon the Statute of Wincheſter, *viz.* An Inquiry how the particular Branches of that Statute be performed, and by whom broken, *made* 34 EDW. I. *Stat.* 2. Anno Dom. 1306.

E perantiquo MS.

MODUS inquirendi de ſtatuto Winton' Quomodo obſervetur. Et qui ea que conſtituuntur in ſtatuto ex ſtatuto edito obſervaverint aut non permiſerint obſervari. De roberiis & feloniis factis poſt paſcha anno regni Regis EDWARDI XIIII. & qualiter de roberiis ſecte fuerint facte & ubi & per quos dicte robberie facte ſunt. Et ſi de corporibus hujuſmodi malefactorum vicecomites hucuſque reſponderunt ſecundum ſtatutum. Et ſi porte civitatum & magnorum burgorum clauſe ſint ab occaſu ſolis uſque ad ortum. Et ſi aliqui extranei hoſpitati ſint in ſuburbiis vel in forinſeca parte ville niſi de die & tunc ſint tales pro quibus hoſpes voluerit reſpondere. Et qualiter ballivi & miniſtri villarum fecerint inquiſitiones. Et ſi vigilie facte fuerint ſecundum ſtatutum. Et ſi vigilatores debito modo fecerint vigilias. Et ſi regales vie a villis mercatoriis elargate ſint, & qui eas elargiaſſe debuerat, & qui elargiationem impediunt. Et ſi omnes inter xv annos & lx ſint jurati ad conſervationem pacis. Et ſi habeant arma in domibus ſuis prout ſtatuitur. Et ſi conſtabularii fecerint viſum armorum. Et ſi ballivi libertatum & alii venerunt ad huteſium levatum prout ſtatuitur.

'THE Manner of inquiring upon the Statute of *Wincheſter:* when it is obſerved, and when not, and of ſuch as have obſerved the ſaid Statute, and of ſuch as have not ſuffered the Contents thereof to be obſerved. Of Felonies and Robberies committed after Eaſter, the fourteenth Year of the Reign of King EDWARD, and in what Manner Suits were made after Robberies, and where and by whom ſuch Robberies were committed; and if the Sheriffs have anſwered for the Bodies of ſuch Offenders, according to the Statute. And if the Gates of the Cities or great Towns were ſhut from the Time of the Sun going down until the Sunriſing. And if any Strangers or their Chattles were lodged in the Suburbs [illegible] in the Out-parts of the City, except it were [illegible] Day, and then let them be ſuch for whom their Hoſt will anſwer; and alſo how Bailiffs and other Officers of Towns have made Inquiry thereof. And if Watches have been kept in ſuch Sort as is contained in the ſaid Statute, or not, and how the Watchmen have kept their Watch. And if the King's Highways from one Market Town to another be enlarged, and who ought to have enlarged them, and of ſuch as do hinder ſuch Enlargements. Alſo if all between the Age of Fifteen and Sixty be ſworn to keep the Peace: Alſo if they have Weapons in their Houſes, according to the Statute. And alſo if Conſtables do make View of Armour. Alſo if Bailiffs of Liberties, and others, have come at Huy and Cry levied, according to the Statute, or not.'

A Statute of Amortiſing Lands, *made* Anno 34 EDW. I. *Stat.* 3[a].

That Lands ſhall not be aliened in Mortmain, where there be Meſnes, without their Conſent.

DE conceſſione Domini Regis facienda ſuper inquiſitionibus returnatis in Cancellaria de terris ad manum mortuam ponendis Rex precepit quod nihil fiat ubi medii ſunt niſi religioſi oſtendant eorum aſſenſum Domino Regi per literas patentes eorundem mediorum ſigillis ſignatas Et etiam quod nihil fiat ubi donator penes ſe nihil retinet Et ſimiliter ubi inquiſitiones facte ſunt &

'TOuching the King's Grant to be made upon Inqueſts returned into the Chancery for Lands to be aliened into *Mortmain*, the King commandeth that nothing ſhall be done (where there be any Lords mean) except the Religious Perſons can ſhew to our Lord the King their Aſſent under their Patents ſealed with their Seals; and that nothing ſhall paſs in Caſe where the Donor reſerveth nothing

9 H. 3. ſtat. 1. c. 36. 7 Ed. 1. ſtat. 2. 13 Ed. 1. ſtat. 1. c. 32. Ordin. de libertat. perquir. 27 Ed. 1. *See Index, tit.* Mortmain.

[a] This is taken from the *Secunda pars veterum ſtatutorum* in the Engliſh Editions.

'to himſelf. And likewiſe where Inquiſitions be 'made and returned without Warrant, that is to wit, 'the Writ Original returned with the Inqueſt, and 'likewiſe unleſs the Writ Original make Mention 'of every Thing, according to the new Ordinance 'deviſed by the King.'

turnate ſine warranto videlicet brevi originali returnato cum inquiſitione Et ſimiliter niſi breve originale mentionem faciat de ſingulis ſecundum novam formam per ipſum Regem adjectis, &c.

Statutum de Tallagio non concedendo, factum Anno 34 EDW. I. *Stat.* 4. *whereby the King granted Liberties*, &c[a].

CAP. I.

The King or his Heirs ſhall have no Tallage or Aid without Conſent of Parliament.

25 Ed. 1. ſtat. 2. c. 6.

'NO Tallage or Aid ſhall be taken or levied 'by us or our Heirs in our Realm, without 'the good Will and Aſſent of Archbiſhops, 'Biſhops, Earls, Barons, Knights, Burgeſſes, and 'other Freemen of the Land.'

NUllum tallagium vel auxilium per nos vel heredes noſtros in regno noſtro ponatur ſeu levetur ſine voluntate et aſſenſu Archiepiſcoporum Epiſcoporum Comitum Baronum Militum Burgenſium & aliorum liberorum communium de regno noſtro.

CAP. II.

Nothing ſhall be purveyed to the King's Uſe without the Owner's Conſent.

2 Co. 19.

'NO Officer of ours, or of our Heirs, ſhall take 'Corn, Leather, Cattle, or any other Goods, 'of any Manner of Perſon, without the good Will and 'Aſſent of the Party to whom the Goods belonged.'

NUllus miniſter noſter vel heredum noſtrorum capiat blada coria aut alique alia bona cujuſcunque ſine voluntate et aſſenſu illius cujus fuerint bona.

CAP. III.

Nothing ſhall be taken of Sacks of Wooll by Colour of Male-tolt.

'NOthing from henceforth ſhall be taken of Sacks 'of Wooll by Colour or Occaſion of Male-tent.'

NIhil capiatur de cetero nomine vel occaſione maletoute de ſacco lane.

CAP. IV.

All Laws, Liberties, and Cuſtoms confirmed.

'WE will and grant for us and our Heirs, That 'all Clerks and Laymen of our Land ſhall have 'their Laws, Liberties, and free Cuſtoms, as largely 'and wholly as they have uſed to have the ſame at any 'Time when they had them beſt; and if any Sta-'tutes have been made by us or our Anceſtors, or any 'Cuſtoms brought in contrary to them, or any Man-'ner of Article contained in this preſent Charter, we 'will and grant, that ſuch Manner of Statutes and 'Cuſtoms ſhall be void and fruſtrate for evermore.'

VOlumus & concedimus pro nobis & heredibus noſtris quod omnes clerici & laici de regno noſtro habeant omnes leges libertates et liberas conſuetudines ſuas ita libere & integre ſicut eas aliquo tempore melius & plenius habere conſueverunt. Et ſi contra illas quocunque articulo in preſenti carta contento ſtatuta fuerint edita per nos & anteceſſores noſtros vel conſuetudines introducte Volumus & concedimus quod hujuſmodi conſuetudines et ſtatuta vacua & nulla ſint in perpetuum.

CAP. V.

Pardon granted to certain Offenders.

'MOreover we have pardoned *Humphrey Bohun* 'Earl of *Hereford* and *Eſſex*, Conſtable of *Eng-'land*, *Roger* Earl of *Norfolk* and *Suffolk*, Marſhal of '*England*, and other Earls, Barons, Knights, Eſquires, 'and namely *John de Ferrariis*, with all other being of 'their Fellowſhip, Confederacy, and Bond, and alſo

REmiſſimus etiam Humfredo de Boun Comiti Hereford et Eſſex Conſtabulario Anglie & Rogero Bigot Comiti Norf. & Suff. Mareſcallo Anglie & aliis Comitibus Baronibus Militibus Armigeris & J. de Ferreres ac omnibus aliis de eorum ſocietate confederatione & concordia exiſtenti-

[a] This is taken into the Engliſh Editions from the *Secunda pars veterum ſtatutorum.*

bus

bus necnon & omnibus viginti libratas terre tenentibus in regno noſtro ſive de nobis teneant in capite ſive de alio quocunque ad transfretandum nobiſcum in Flandriam certo die vocatis rancorem & malam voluntatem ergo nos habitam ac etiam tranſgreſſiones ſi quas nobis fecerint uſque ad preſentis carte confectionem.

'to all other that hold *xx* Pound Land in our Realm, 'whether they hold of us in chief, or of other, that 'were appointed at a Day certain to paſs over with 'us into *Flanders*, the Rancour and Evil-will borne 'againſt us, and all other Offences that they have 'done againſt us, unto the making of this preſent 'Charter.'

CAP. VI.

The Curſe of the Church ſhall be pronounced againſt the Breakers of this Charter.

ET ad majorem hujuſmodi rei ſecuritatem volumus & concedimus quod omnes Archiepiſcopi & Epiſcopi in perpetuum habeant in ſuis Cathedralibus eccleſiis habita ante preſentis carte lectione excommunicare it publice in ſingules Parochialibus eccleſiis ſuarum dioceſium excommunicatos denunciare bis in anno omnes illos qui contra tenorem preſentis carte vim & effectum quoquo modo vel articulo ſcienter fecerint aut fieri procuraverint In cujus rei teſtimonium preſenti carte ſigillum noſtrum eſt appenſum una cum ſigillis Archiepiſcoporum Epiſcoporum, &c. qui ſponte juraverunt quod tenorem preſentis carte quantum in eis eſt in omnibus cauſis & ſingulis articulis ſervabunt & ad obſervationem fidele auxilium preſtabunt, &c.

'AND for the more Aſſurance of this Thing, we 'will and grant, That all Archbiſhops and Biſhops for ever ſhall read this preſent Charter in their 'Cathedral Churches twice in the Year, and upon the 'reading thereof in every of their Pariſh Churches, 'ſhall openly denounce accurſed all thoſe that willingly do procure to be done any Thing contrary to the 'Tenor, Force, and Effect of this preſent Charter in 'any Point and Article. In Witneſs of which Thing 'we have ſet our Seal to this preſent Charter, together 'with the Seals of the Archbiſhops, Biſhops, *&c.* 'which voluntarily have ſworn that, as much as in 'them is, they ſhall obſerve the Tenor of this preſent 'Charter in all Cauſes and Articles, and ſhall extend 'their faithful Aid to the keeping thereof, *&c.*'

Ordinatio Foreſtæ, *made* Anno 34 EDW. I. *Stat.* 5. *and* Anno Dom. 1306 [a].

Ex Rot. in Turr. Lond. *m.* 34.

REX omnibus ad quos &c. ſalutem. Dum imbecillitatis humane conſpicimus imperfectum ac onera longe lateque diffuſa noſtris humeris incumbentia attenta conſideratione penſamus intus nimirum puncturis diverſis torquemur diverſorum cogitatuum fluctibus agitati & vexamur frequenter noctes ducendo inſompnes quid agendum quid tenendum quidve exequendum exiſtat inter precordia heſitantes in eo tamen qui ſupra cuncta tenens in excelſis imperium qui dat eſſe rebus & diſpenſat prout vult munera gratiarum cum ſapientie ſue magnitudinem humani non capiant intellectus virtutes reſumimus ſperantes quod in ſerviciis ſuis perficiat actus noſtros & ſue bonitatis clementia noſtram miſericordiam videat & ſuppleat imperfectum ut ipſius fulti preſidio per viam mandatorum Domini dirigamur. Profecto inter omnia ſolicitudini noſtre & cure inherentia circa illud precipue noſtra non intermiſſive verſatur intentio ut ſubditis noſtris regni noſtri incolis quietis & tranquillitatis dulcedinem preparemus in quorum quiete quieſcimus & in eorum tranquillitate non ſine ſuavitatis odore in floribus pacis deſiderate interius confoveamur. Sane ex fidelium noſtrorum relatibus & oppreſſorum crebris clamoribus de quibus nimia mentis commotione turbamur didicimus quod per miniſtros foreſtarum noſtrarum populus ejuſdem regni miſerabiliter opprimitur depauperatur & diverſis afficitur injuriis undique moleſtatus. Nonnunquam etenim fiunt accuſatores de Foreſta & indictationes vulgariter ſic appellate non per ligitimas inquiſitiones proborum & legalium hominum patrie precedentes ut juſtitia requirit ſet ad dictum unius vel forſan duorum de foreſtariis aut ad dictum unius vel forſan duorum de viridariis qui ex odio aut alias malicioſe ut ab aliquo pecuniam extorqueant quenquam accuſant vel indictant & exinde ſequuntur attachiamenta gravia & punitur innocens quem nulla omnino culpa ſeu delictum conſtringit. Opprimitur etiam populus pre multitudine foreſtariorum & aliorum miniſtrorum quos cum non habeant unde aliunde vivant per patriam foreſte adjacentem vivere oportebit eoſdem & quod eſt deterius pro jure officii ſui vendicant ut ſic vivant iſti nichilominus pro ſuis victualibus quibus egent boſcum ſue cuſtodie aut ſub ſuis cuſtodiis deputatum & feras in eiſdem exiſtentes vendendo donando & multipliciter minuendo ac minui permittendo ſucceſſivis dierum proceſſibus deſtruunt & adnichilant ad noſtrum & heredum noſtrorum intolerabile detrimentum. Quid plura? dampna & gravamina que circa hec proveniunt ut accepimus difficile foret per ſingula enarrare. Cupientes itaque oppreſſionibus & gravaminibus hujuſmodi que abſque gravi ſcandalo diutius ſub diſſimulatione preterire nequimus modis & viis omnibus quibus poſſumus obviare ac regni noſtri incolarum paci & tranquillitati previgili ſtudio providere.

[a] This is taken from the *Secunda pars veterum ſtatutorum* by Mr. Pulton.

CAP.

CAP. I.

How Offences done in the Foreſt ſhall be preſented.

Ex Rot. in Turr. Lond.

'FIRST, We have ordained for ourſelves and our Heirs, that all Treſpaſſes hereafter to be done in our Foreſts of Green-hugh, and of Hunting, the Foreſters within whoſe Bailiwicks ſuch Treſpaſſes ſhall happen to be committed, ſhall preſent the ſame at the next *Swanimote* before the Foreſters, Verdors, Regardors, Agiſtors, and other Miniſters of the ſame Foreſt; and upon ſuch Preſentations there before the Foreſters, Verdors, and all other Miniſters aforeſaid, by the Oath as well of Knights as of other lawful and honeſt Men of the neareſt Parts where the Treſpaſs ſo preſented ſhall be done, not ſuſpected, the Truth of the Matter ſhall be lawfully enquired of; and the Truth ſo enquired of, the ſame Preſentations by the common Accord and Aſſent of all the Miniſters aforeſaid, ſhall be ſolemnly confirmed and ſealed with their Seals. And if an Indictment be in any other Manner, it ſhall be adjudged void.'

VOlumus imprimis & ordinamus pro nobis & heredibus noſtris quod de tranſgreſſionibus in foreſtis noſtris de viridi & venatione decetero faciendis foreſtarii infra quorum ballivas hujuſmodi tranſgreſſiones fieri contigerit preſentent eaſdem ad proxima ſwanimota coram foreſtariis viridariis regardatoribus agiſtatoribus & aliis earundem foreſtarum miniſtris & ſuper preſentationibus hujuſmodi ibidem coram foreſtariis viridariis & omnibus aliis miniſtris ſupradictis per ſacramentum tam militum quam aliorum proborum & legalium hominum de partibus vicinioribus ubi tranſgreſſiones ſic preſentate facte fuerint non ſuſpectorum veritas plenius inquiratur & ſic inquiſita veritate preſentationes ille per communem concordiam & aſſenſum omnium miniſtrorum predictorum ſolempniter roborentur & ſigillis ſuis ſigillentur. Et ſi alio modo fiat indictamentum pro nullo penitus habeatur.

CAP. II.

An Officer dying, or being abſent, another ſhall be put in his Place.

'AND if it happen any of the ſaid Foreſters, Regardors, or other Miniſters of the ſame Foreſts to die, or by Sickneſs or other Means to be hindred, whereby he cannot be preſent at the ſame *Swanimote*, preſently the Juſtice of the ſame Foreſt, or his Lieutenant, ſhall put another in his Place, ſo that the Indictment may be made by all in Form aforeſaid; and that the Officers which are to be placed ſhall be put in as heretofore it hath been uſed to be, except the Verderors, who ſhall be ordained by Election, and by our Writ.'

ET ſi aliquem predictorum foreſtariorum regardatorum aut aliorum miniſtrorum foreſtarum ipſarum obire contingat ſeu per egritudinem vel alio modo impediri quo minus intereſſe valeat hujuſmodi ſwanimotis incontinenti Juſticiarius foreſte ſeu locum ejus tenens ponat alium loco ſuo ita videlicet quod indictamentum fiat per omnes in forma predicta quodque miniſtri qui ponendi ſunt ponantur ſicut hactenus fieri conſuevit exceptis viridariis qui per electionem & per breve noſtrum deputabuntur.

CAP. III.

No Foreſter ſhall be put in Aſſiſes or Juries.

'AND we will, That none of the foreſaid Miniſters ſhall hereafter be put in any Aſſiſes, Juſries, or Enqueſts to be taken without the Foreſt.'

ET Volumus quod nullus miniſtrorum predictorum in aſſiſis juratis ſeu inquiſitionibus extra foreſtam capiendis decetero ponatur.

CAP. IV.

The Puniſhment of Officers ſurcharging the Foreſt.

'AND if there be any Surcharge found of the Foreſters, or by ſuch other as take upon them to be Officers of the Foreſts, ſuch Surchargers ſhall be removed and impriſoned according to the Diſcretion of the Juſtice of the Foreſt, or his Lieutenant; and they by whom they were placed ſhall be alſo puniſhed at our Pleaſure. And at every *Swanimote* Inquiſition ſhall be made of Surcharges of Foreſters, and other Miniſters of the Foreſt, and of their Oppreſſions done to our People; and Reformation and Puniſhment ſhall be done as it is ordained before.'

ET ſi ſuperoneratio foreſtariorum aut aliorum qui ſe gerunt ut miniſtros foreſte inveniatur amoveantur hujuſmodi ſuperonerantes & impriſonentur ſecundum diſcretionem Juſticiarii foreſte vel ejus locum tenentis nec non & illi per quos poſiti fuerant ad voluntatem noſtram ſimiliter puniantur. Et ad quodlibet ſwanimotum inquiratur ſolempniter de ſuperoneratione foreſtariorum & aliorum miniſtrorum foreſte & de eorum oppreſſionibus populo noſtro illatis & fiant inde emende & punitiones prout ſuperius eſt expreſſum.

CAP. V.

Grounds diſafforeſted.

Ex Rot. in Turr. Lond.

QUoad illos vero qui tempore quo foreſta deafforeſtata fuit tranſgreſſiones de viridi aut venatione in foreſta fecerunt quia deafforeſtationem eandem & ut ſententia excommunicationis in contravenientes fulminaretur quamquam de noſtra bona voluntate minime proceſſiſſet conceſſimus quam quidem ſententiam dominus ſummus pontifex poſtmodum revocavit & quas conceſſionem & deafforeſtationem ex certis cauſis revocamus & etiam adnullamus volumus quod tranſgreſſiones hujuſmodi pardonentur tranſgreſſionibus illis exceptis que in ea parte que foreſta remanſit commiſſe fuerunt Ita tamen quod haye & foſſata facta medio tempore proſternantur & penitus amoveantur & adnichilentur Salvis arentationibus noſtris quas ſecundum aſſiſam foreſte volumus remanere. Boſcus autem ceſus & proſtratus amoveatur & boſcus ſtans remaneat in foreſta. Et ſi forte aliquis talis boſcus adhuc ſtans ſit venditus in foreſta remaneat & venditor ſatisfaciat emptori juxta quantitatem portionis boſci ſtantis in foreſta & taliter medio tempore venditi & prout ceperit de eodem.

'AS touching them that have committed Treſpaſſes of Green-hugh, or Hunting, at ſuch Times as the Foreſt was diſafforeſted; we will that thoſe Offences ſhall be pardoned, ſaving ſuch Treſpaſſes which were committed in that Part which doth remain Foreſt; yet ſo, as that the Hedges and Ditches made in the mean Time ſhall be wholly caſt down, removed, and avoided; ſaving our Arrentations, which we will have remain according to the Aſſiſe of the Foreſt. The Wood which is felled and cut down ſhall be removed, and the Wood which is ſtanding ſhall remain in the Foreſt. And if any ſuch Wood yet ſtanding be ſold, it ſhall remain in the Foreſt, and the Seller ſhall ſatisfy the Buyer according to the Quantity of the Wood ſtanding in the Foreſt, and ſo ſold, in the mean Time, as he received of him.'

CAP. VI.

Common in the Foreſt.

VOlumus etiam quod Juſticiarius foreſte noſtre vel ejus locum tenens in preſentia Theſaurarii noſtri & per aſſenſum ejuſdem habeat poteſtatem capiendi fines & redemptiones illorum qui ſunt indictati de tranſgreſſionibus uſque nunc in foreſta commiſſis itinere Juſticiarii minime expectato. Volumus inſuper quod illi qui communem paſturam in foreſta ante perambulationem factam habebant & qui ſunt poſtea repoſiti in foreſta quique de dicta communa per perambulationem predictam fuerant impediti habeant communem paſturam decetero in foreſtis adeo large & libere ſicut ante perambulationem factam habere ſolebant Salvis arentationibus noſtris in forma predicta. In cujus, &c. T. R. apud Weſtm' xxvii die Maij. [a]

'WE will alſo, That our Juſtice of the Foreſt, or his Lieutenant, in the Preſence of our Treaſurer, and by his Aſſent, ſhall have Authority to take Fines and Amerciaments of thoſe which be indicted for Treſpaſſes committed in our Foreſts, and not tarry for the Eyre of the Juſtice. And moreover we will, that they which had Common of Paſture in the Foreſt before the Perambulation was made, and which were after returned into the Foreſt, and that were reſtrained of Common by the ſaid Perambulation, ſhall have their Common of Paſture hereafter in the Foreſt, as freely and largely as they were wont to have before the Perambulation made, ſaving our Arrentations in Form aforeſaid. In witneſs whereof, *&c.* at *Weſtminſter*, 28 *die Maii*, *anno* 34 EDWARDI *primi*.' Regiſt. 80.

Le Serement du Viſconte.

VOUS jurrez qe bien & loiaument ſerviretz le roi en loffice de viſconte & a le preu le roi freetz en totes choſes qe a vous apendent a faire ſelonc voſtre ſen & voſtre poair & ſes droittures & quant que a la coronne apent loiaument garderetz ne ne aſſenturetz au deſcres ne au concelement des droitz ne des franchiſes le roi. Et par la ou vous ſaveretz les droitz le roi ou de la coronne ſoit en terres ou en rentes ou en franchiſes ou en ſuites concelees ou ſuſtretes voſtre loiale peine mettrez de ceo repeler & ſi vous ne le poetz faire vous le dirretz au Roi ou a ceux de ſon conſeil de qi vous ſoietz certein queuz le dirrount au Roi & les dettes le Roi por donn ne por favour reſpiretz par la ou vous les porretz ſauntz treſgraunte grevance de dettours lever e qe loiaument & a droiture tretteretz le people de voſtre baillie & a cheſcuni freetz droit auxibien a povre com a riche en ce qe a vouz apent afaire & qe por donn ne por promeſſe ne por favour ne por haiour tort ne freetz a nuli ne autre droiture ne ne deſturberetz & qe loiaument acquiteretz al aſchekier la gent de qi vous averetz

[a] *The following Paragraphs are on the Roll*, viz. Conſimiles littere miſſe fuerunt ad ſingulos comitatus per Angl'.
Et mandatum eſt ſingulis vicecomitibus per Angl' quod litteras illas in plenis comitatibus ſuis legi & ordinationem regis in eiſdem contentam publice faciant proclamari.
Rex juſticiario foreſt. ſuarum ultra Trentam vel ejus locum tenenti ſalutem. Dum imbecillitatis, &c. ſalvis arentationibus in forma predicta. Et ideo vobis mandamus quod ordinationem noſtram predictam in balliva veſtra faciatis publice proclamari & eam decetero in omnibus & ſingulis ſuis articulis obſervetis & per totam ballivam veſtram faciatis firmiter & inviolabiliter obſervari. Teſte ut ſupra.
Eodem modo ſcribitur juſticiario foreſtarum regis citra Trentam vel ejus locum tenenti.

rien

Ex Rot. in Turr. Lond.

rien receu des dettes le Roi & qe riens ne prendretz par quoi le Roi perde ou par quoi droiture soit desturbe ou la dette le Roi delae e qe loiaument freez retourner & loiaument suire les brefs le Roi a vostre sen & a vostre poair & qe vous ne prendretz nul ballif en vostre service por qi vous ne voletz respoundre & qe vous freez voz ballifs faire autiel serment come a eux apent & que nul brief ne receivretz par vous ne par les voz souz seal des Justices sorsqe en eyre ou autres justices assignetz en meisme la counte ou Justice de Neugate & qe vous mettretz voz ballifs de plus loiaux du pais & qe nul ballif ne ministre qi ad este od lautre vis-counte retendretz en vostre service.

See farther Index, tit. Forest.

Statutum De Apportis Religiosorum, *made* Anno 35 EDW. I. *Stat.* 1. *and* Anno Dom. 1307.[a]

CAP. I.

The Causes of Erection of Abbies. Imposition set by Priors Aliens.

2 Inst. 580. 25 Ed. 3. stat. 6. *giving King and Lords Power to present to Benefices of their own and Ancestors Foundation.*

" OF late it came to the Knowledge of our Lord the King, by the grievous Complaint of the honourable Persons, Lords, and other Noblemen of his Realm, that whereas Monasteries, Priories, and other Religious Houses, were founded to the Honour and Glory of God, and the Advancement of the Holy Church, by the King and his Progenitors, and by the said Noblemen and their Ancestors, and a very great Portion of Lands and Tenements have been given by them to the said Monasteries, Priories, and Houses, and the Religious Men serving God in them, to the Intent that

Hob. 148. Clerks and Laymen might be admitted in such Monasteries, Priories, and Religious Houses, according to their sufficient Ability, and that sick and feeble Men might be maintained, Hospitality, Almsgiving, and other charitable Deeds might be done, and that in them Prayers might be said for the Souls of the said Founders and their Heirs; the Abbots, Priors, and Governours of the said Houses, and certain Aliens their Superiours, as the Abbots and Priors of *Cestercienses*, and *Premonstratenses*, and of the Order of St. *Augustine*, and St. *Benedict*, and many more of other Religion and Order, have at their own Pleasure set divers unwonted, heavy and importable Tallages, Payments, and Impositions upon every of the said Monasteries and Houses in Subjection unto them in *England*, *Ireland*, *Scotland*, and *Wales*, without the Privity of our Lord the King and his Nobility, contrary to the Laws and Customs of the said Realm; and thereby the Number of Religious Persons, and other Servants in the said Houses and Religious Places being oppressed by such Tallages, Payments, and Impositions, the Service of God is diminished, Alms being not given to the Poor, the Sick, and Feeble, the Healths of the Living and the Souls of the Dead be miserably defrauded, Hospitality, Almsgiving, and other godly Deeds do cease; and so that which in Times past was charitably given to godly Uses, and to the Increase of the Service of God, is now converted to an evil End; by Permission whereof there groweth great Scandal to the People, and infinite Losses and Disheritances are like to ensue to the Founders of the said Houses and their Heirs, unless speedy and sufficient Remedy be provided to redress so many and grievous Detriments."

Ex Rot. in Turr. Lond. *m.* 33.

NUPER ad notitiam domini Regis ex gravi querela Magnatum Procerum & aliorum nobilium regni sui pervenit quod cum Monasteria Prioratus & domus religiose ad laudem & honorem Dei & ad exaltationem sancte ecclesie per Regem & progenitores suos & per dictos Magnates & nobiles & eorum antecessores fundata fuissent & terre & tenementa quamplurima essent data per ipsos dictis Monasteriis Prioratibus & domibus ac viris religiosis in eisdem Deo servientibus ut in hujusmodi Monasteriis & domibus religiosis tam clerici quam laici admitterentur secundum suarum sufficientiam facultatum & infirmi ac debiles sustentarentur hospitalitates elemosinarum largitiones & alia pietatis opera exercerentur & pro animabus predictorum fundatorum & heredum suorum fierent in eisdem Abbates Priores & Custodes earumdem domorum & quidam eorum superiores alienigene utpote Abbates & Priores Cluniacen' Cistertien' & Premonstra' & Sanctorum Augustini & Benedicti ordinum & ceteri quamplures alterius religionis & ordinis noviter per singula Monasteria & domos eis subjecta in Angl' Hibern' Scotia & Wallia diversa tallagia census & impositiones insolitas graves & importabiles domino Rege Magnatibusque suis inconsultis fieri statuerunt & pro suo libito ordinarunt contra leges & consuetudines dicti regni ex quo fit ut numerus religiosorum & aliorum servitorum in hujusmodi domibus & locis religiosis per tallagia hujusmodi census & impositiones oppressis minuitur cultus divinus & alimonie pauperibus infirmis & debilibus subtrahantur & salutes vivorum & anime mortuorum miserabiliter defraudantur hospitalitates elemosinarum largitiones ac cetera cessant opera caritatis sicque quod olim in usus pios & ad divini cultus augmentum caritative fuerat erogatum jam in censum reprobum est conversum unde preter ea que premittuntur scandalum non modicum crescit in populo & dampna innumera in exheredationem predictorum fundatorum ac heredum suorum procul dubio proveniisse noscuntur & adhuc verisimiliter presumiter provenire nisi tantis & tam gravibus detrimentis celeri & salubri remedio obvietur.

[a] This is taken from the *Secunda pars veterum statutorum* by Pulton.

Considerans

Ex Rot. in Turr. Lond.

Conſiderans igitur prefatus dominus Rex ſibi & populo ſuo valde fore dampnoſum ſi tam grandes jacturas & inſolentias ſuſtineret diutius ſub diſſimilatione tranſire volenſque idcirco Monaſteria Prioratus & alias religioſorum domos & loca in regno & terris dominio ſuo ſubjectis conſtituta ſecundum voluntatem & pia vota fundatorum ipſorum manutenere & defendere & contra hujuſmodi oppreſſiones de congruo remedio providere decetero ut tenetur de conſilio Comitum Baronum Magnatum Procerum & aliorum nobilium & regni ſui communitatis in parliamento ſuo apud Weſtm' die Dominica proxima poſt feſtum ſancti Mathie apoſtoli anno regni ſui triceſimo tertio habito ordinavit & ſtatuit.

" II. Wherefore our foreſaid Lord the King, con- 3 Bulſtr. 45.
" ſidering that it would be very prejudicial to him and
" his People if he ſhould any longer ſuffer ſo great
" Loſſes and Injuries to be winked at, and therefore
" being willing to maintain and defend the Monaſte-
" ries, Priories, and other Religious Houſes erected in
" his Kingdom, and in all Lands ſubject to his Domi-
" nion, according to the Will and pious Intentions
" of their Founders, and from henceforth to pro-
" vide ſufficient Remedy to reform ſuch Oppreſſions,
" as he is bound," 'by the Counſel of his Earls,
'Barons, Great Men, and other Nobles of his King-
'dom in his Parliament holden at *Weſtminſter*, on
'the Lord's Day next after the Feaſt of St. *Mathew*
'the Apoſtle, in the three and thirtieth Year of his *Confirmed by*
'Reign, hath ordained and enacted, 5 Ed. 3. c. 3.

CAP. II.

Religious Perſons ſhall ſend nothing to their Superiors beyond the Sea.

NEquis Abbas Prior Magiſter Cuſtos ſeu quivis alius religioſus cujuſcumque conditionis ſeu ſtatus aut religionis exiſtat ſub poteſtate & ditione ſua conſtitutus cenſum aliquem per ſuperiores ſuos Abbates Priores Magiſtros Cuſtodes Religioſarum domorum vel locorum impoſterum vel inter ſeipſos aliqualiter ordinatum extra Regnum & dominium ſuum ſub nomine redditus tallagii apporti ſeu impoſitionis cujuſcumque vel alias nomine eſcambii venditionis mutui vel alterius contractus quocumque nomine cenſeatur per ſe vel per mercatores aut alios clam vel palam arte vel ingenio deferat vel tranſmittat ſeu deferri faciat quoquomodo nec etiam ad partes exteras ſe divertat cauſa viſitationis aut alio colore queſito ut ſic bona monaſteriorum & domorum ſuarum extra regnum & dominium predictum adducat. Et ſi quis contra preſens ſtatutum venire preſumpſerit conſiderata qualitate delicti & regie prohibitionis penſato contemptu graviter puniatur.

'THAT no Abbot, Prior, Maſter, Warden, or
'other religious Perſon, of whatſoever Condi-
'tion, State, or Religion he be, being under the King's
'Power or Juriſdiction, ſhall by himſelf, or by Mer-
'chants or others, ſecretly or openly, by any Device
'or Means, carry or ſend, or by any Means cauſe to
'be ſent, any Tax impoſed by the Abbots, Priors,
'Maſters or Wardens of religious Houſes their Supe-
'riors, or aſſeſſed amongſt themſelves, out of his
'Kingdom and his Dominion, under the Name of a
'Rent, Tallage, or any Kind of Impoſition, or other-
'wiſe by the Way of Exchange, mutual Sale, or other
'Contract howſoever it may be termed; neither ſhall
'depart into any other Country for Viſitation, or
'upon any other Colour, by that Means to carry the
'Goods of their Monaſteries and Houſes out of the
'Kingdom and Dominion aforeſaid. And if any
'will preſume to offend this preſent Statute, he ſhall
'be grievouſly puniſhed according to the Quality of *Confirmed by*
'his Offence, and according to his Contempt of the 4 Ed. 3. c. 6.
'King's Prohibition.' *And farther by*
5 Ed. 3. c. 3.

CAP. III.

No Impoſitions ſhall be taxed by Priors Aliens.

PReterea inhibet prefatus dominus Rex omnibus & ſingulis Abbatibus Prioribus Magiſtris Cuſtodibus religioſarum domorum & locorum alienigenis quorum poteſtati ſubjectioni & obedientie domus eorundem ordinum in regno & dominio ſuo exiſtentes ſubduntur ne decetero tallagia cenſus impoſitiones apporta ſeu alia quecumque onera aliquibus monaſteriis prioratibus ſeu aliis domibus religioſis eis ut predicitur ſic ſubjectis imponant vel faciant aliqualiter aſſidere & hoc ſub forisfactura omnium que in poteſtate ſua optinent & forisfacere poterunt in futurum.

'MOreover, our foreſaid Lord the King doth in-
'hibit all and ſingular Abbots, Priors, Maſters,
'and Governors of religious Houſes and Places, being
'Aliens, to whoſe Authority, Subjection, and Obe-
'dience the Houſes of the ſame Orders in his King-
'dom and Dominion be ſubject, that they do not at
'any Time hereafter impoſe, or by any Means aſſeſs
'any Tallages, Payments, Charges, or other Burdens
'whatſoever, upon the Monaſteries, Priories, or other
'religious Houſes in Subjection unto them (as is
'aforeſaid) and that upon Pain of all that they have
'or may forfeit.'

CAP. IV.

By whom the common Seal of an Abbey ſhall be kept, and how uſed.

ET inſuper ordinavit dominus Rex & ſtatuit quod Abbates Ciſtercien' & Premonſtraten' ordinum & aliorum religioſorum quorum ſigillum in cuſtodia Abbatis & non Conventus prius reſi-

'AND further, our Lord the King hath ordained The Common
'and eſtabliſhed, That the Abbots of the Orders Seals of Abbeys.
'of *Ceſtercienſes* and *Premonſtratenſes*, and other reli- 8 Co. 118.
'gious Orders, whoſe Seal hath heretofore been uſed

'to remain only in the Cuſtody of the Abbot, and not 'of the Covent, ſhall hereafter have a common Seal, 'and that ſhall remain in the Cuſtody of the Prior of 'the Monaſtery or Houſe, and four of the moſt worthy 'and diſcreet Men of the Covent of the ſame Houſe, 'to be laid up in ſafe keeping under the private Seal 'of the Abbot of the ſame Houſe; ſo that the Abbot 'or Prior, which doth govern the Houſe, ſhall be able 'of himſelf to eſtabliſh nothing, though heretofore 'it hath been otherwiſe uſed. And if it fortune 'hereafter, that Writings of Obligations, Donations, 'Purchaſes, Sales, Alienations, or of any other Con-'tracts, be ſealed with any other Seal than ſuch a 'common Seal, kept as is aforeſaid, they ſhall be ad-'judged void and of no Force in Law. But it is not 'the Meaning of our Lord the King to exclude the 'Abbots, Priors, and other religious Aliens, by the 'Ordinances and Statutes aforeſaid, from executing 'their Office of Viſitation in his Kingdom and Do-'minion; but they may viſit at their Pleaſures, by 'themſelves or others, the Monaſteries and other 'Places in his Kingdom and Dominion in Subjection 'unto them, according to the Duty of their Office, 'in thoſe Things only that belong to regular Obſer-'vation, and the Diſcipline of their Order.'

Abbots Aliens may viſit their Inferiors in England.

'II. Provided, That they which ſhall execute this 'Office of Viſitation, ſhall carry, or cauſe to be car-'ried out of his Kingdom and Dominion, none of the 'Goods or Things of ſuch Monaſteries, Priories, and 'Houſes, ſaving only their reaſonable and competent 'Charges.'

"III. And though the Publication and open No-"tice of the Ordinances and Statutes aforeſaid was "ſtayed in Suſpence for certain Cauſes ſithence the "laſt Parliament, until this preſent Parliament holden "at *Carliſle*, in the Octaves of Saint *Hilary*, in the five "and thirtieth Year of the Reign of the ſame King "EDWARD, to the Intent they might proceed with "greater Deliberation and Advice;" 'our Lord the 'King, after full Conference and Debate had with his 'Earls, Barons, Nobles, and other great Men of his 'Kingdom, touching the Premiſſes, by their whole 'Conſent and Agreement, hath ordained and en-'acted, That the Ordinances and Statutes aforeſaid, 'under the Manner, Form, and Conditions aforeſaid, 'from the firſt Day of *May* next enſuing, ſhall be in-'violably obſerved for ever, and the Offenders of 'them ſhall be puniſhed as is aforeſaid.'

Confirmed by 4 Ed. 3. c. 6. *And farther by* 5 Ed. 3. c. 3.

Ex Rot. in Turr. Lond.

dere tantummodo conſuevit decetero habeant ſigillum commune & illud in cuſtodia Prioris monaſterii ſive domus & quatuor de dignioribus & diſcretioribus ejuſdem loci Conventus ſub privato ſigillo Abbatis ipſius loci cuſtodiend' deponant. Ita quod Abbas ſeu Superior domus cui preeſt per ſe contractum aliquem ſeu obligationem nullatenus poſſit firmare ſicut hactenus facere conſuevit. Et ſi forſan aliqua ſcripta obligatoria donationum emptionum venditionum alienationum ſeu aliorum contractuum quorumcumque alio ſigillo quam tali ſigillo communi ſicut premittitur cuſtodito inveniantur amodo ſigillata pro nullis penitus habeantur omnique careant firmitate. Ceterum intentionis domini Regis non exiſtit Abbates Priores & alios religioſos alienigenas per ordinationes & ſtatuta expreſſa ſuperius ab officio viſitationis in regno & dominio ſuis exercendo excludere quin per ſe ipſos vel alios monaſteria & alia loca eis in regno & dominio ſuis predictis ſubjecta juxta officii ſui debitum in hiis dumtaxat que ad obſervantiam regularem & ordinis ſui diſciplinam pertinent libere valeant viſitare.

Proviſo quod illi qui officium hujuſmodi viſitationis exercuerint nichil de bonis aut rebus hujuſmodi monaſteriorum prioratuum & domorum extra prefatum regnum & dominium preter rationabiles & moderatas eorum expenſas deferant vel deferri procurent.

Et licet ordinationum & ſtatutorum preſcriptorum pronunciatio & publicatio a parliamento proximo preterito uſque ad preſens parliamentum apud Karliolum in octabis Sancti Hillarii anno regni ejuſdem domini Regis EDWARDI triceſimo quinto certis ex cauſis & ut cum majori deliberatione & maturitate procederent remanſerint in ſuſpenſo dominus Rex poſt deliberationem plenariam & tractatum cum Comitibus Baronibus Proceribus & aliis nobilibus ac communitatibus regni ſui habitum in premiſſis de conſenſu eorum unanimi & concordi ordinavit & ſtatuit ut ordinationes & ſtatuta predicta ſub forma modis & conditionibus ſupra contentis a primo die Maii proximo futuro in antea inviolabiliter obſerventur perpetuis temporibus valitura quodque tranſgreſſores ipſorum penis extunc ſubjaceant annotatis.

Conſimile ſtatutum de verbo ad verbum mittitur in ſingulis comitatibus per Angliam.

REX vic' Salop' ſalutem. Quia ad communem populi regni noſtri utilitatem & totius dominii noſtri ſtatus meliorationem in inſtanti parliamento noſtro apud Karliolum de conſilio magnatum & procerum noſtrorum quedam edidimus ſtatuta que tibi ſignata mittimus obſervanda tibi precipimus firmiter injungentes quod ea in duobus comitatibus tuis publice legere & recitare facias & ea in ſingulis ſuis articulis inviolabiliter obſervari & hoc nullatenus omittas. T. R. apud Karliolum xx die Martii.

Conſimilia brevia mittuntur ſingulis vicecomitibus per Angliam.

REX dilecto ſibi in Chriſto abbati de Waverle ſalutem. Quia ad communem populi regni noſtri utilitatem &c. *(ut ſupra)* vobis mandamus firmiter injungentes quod ea quolibet anno bis in pleno capitulo domus veſtre publice legere & recitare faciatis & in ſingulis ſuis articulis ſub pena in predictis ſtatutis contenta inviolabiliter obſervari. Teſte ut ſupra.

Supradictum ſtatutum miſſum fuit cum litteris regis patentibus in forma predicta abbatibus locorum ſubſcriptorum videlicet

De Egliſton *De Jerovall* *De Fontibus* *De Wellebeck* *De Gerwedon*
De Sancta Agatha *De Bella Landa* *De Rupe* *De Rughford* *Priori de Spaldyng.*

Quatuor paria litterarum ad inſtantiam principis dirigenda quibuſdam abbatibus in Wallia.

Stat.

Stat. Ne rector proſternat arbores in cemiterio, *made* Anno 35 EDW. I. *Stat.* 2. *and* Anno Dom. 1307 [a].

In what Caſes and by whom Trees may be felled in Church-yards.

QUONIAM inter rectores eccleſiarum et ſuos parochianos ſuper arboribus creſcentibus in cemiterio altercationes oriri ſepius intelleximus, utriſque ad ſe pertinere contendentibus: Hujuſmodi altercationis dubium declarare, juris ſacri potius quam ſtatuti juris eſtimamus. Nam cum cemiterium maxime dedicatum ſolum ſit eccleſie, et quicquid plantatur ſolo cedat; ſequitur neceſſario, arbores ipſas debere inter facultates eccleſiaſticas numerari, de quibus laicis nulla eſt attributa facultas diſponendi, ſed ſicut ſacra ſcriptura teſtatur ſolis ſacerdotibus diſpoſitio et cura indiſcuſſa a Deo commiſſa decet.

Verum cum arbores ipſe propter ventorum impetus, ne eccleſiis noceant, ſepe plantantur; prohibemus ne eccleſiarum rectores ipſas preſumant proſternere indiſtincte, niſi cum cancellus eccleſie neceſſaria indigeat refectione. Nec in alios uſus aliqualiter convertantur; preterquam ſi navis eccleſie indiguerit ſimiliter refectione, et rectores parochiarum indigentium eis caritative de arboribus ipſis duxerint largiendum: quod fieri non precipimus, ſed cum factum fuerit commendabimus.

"BECAUSE we do underſtand, that Controverſies do oft-times grow between Parſons of Churches and their Pariſhioners, touching Trees growing in the Church-yard, both of them pretending that they do belong unto themſelves, we think it belongs rather to the ſacred Law than to the ſtatute Law, to determine this Doubt. Foraſmuch as a Church-yard that is dedicated is the Soil of a Church, and whatſoever is planted belongeth to the Soil," 'it muſt needs follow, That 'thoſe Trees which be growing in the Church-yard 'are to be reckoned amongſt the Goods of the Church, 'the which Laymen have no Authority to diſpoſe, but, 'as the Holy Scripture doth teſtify, The Charge of 'them is committed only to Prieſts to be diſpoſed of.' 1 Roll. 255.

"II. And yet ſeeing thoſe Trees be often planted "to defend the force of the Wind from hurting the "Church;" 'we do prohibit the Parſons of the 'Church, That they do not preſume to fell them down 'unadviſedly, but when the Chancel of the Church 'doth want neceſſary Reparations; neither ſhall they 11 Co. 49. 'be converted to any other Uſe, except the Body of 'the Church doth need like Repair: In which Caſe 'the Rectors of poor Pariſhes of their Charity ſhall do 'well to relieve the Pariſhioners with beſtowing upon 'them the ſame Trees; which we will not command 'to be done, but we will commend it when it is done.'

Anno primo EDWARDI II.

Statutum de Militibus, made 1 EDWARDI II. *Stat.* 1. *and* Anno Dom. 1307.

Cotton *MS. Claudius*, D. 2.

DOMINUS Rex conceſſit quod omnes qui Milites eſſe debent & non ſunt & diſtricti fuerint ad arma militaria ſuſcipienda infra feſtum Nat' domini habeant reſpectum ad predicta arma militaria ſuſcipienda uſque in Octabas ſancti Hillar' ſine occaſione & extunc diſtringantur niſi interim, &c. Item conceſſit quod ſi aliquis queſitus fuerit in Cancellaria eo quod diſtrictus fuerit &c. & non habeat quadraginta libratas terre in feodo vel ad terminum vite ſue & hoc velit verificare per patriam tunc diſcretis & legalibus Militibus de Comitatu ad predictam inquiſitionem capiendam ſcribatur Et ſi per illam inquiſitionem ita fuiſſe conſtiterit fiet ei remedium & ceſſet diſtrictio Item ſi aliquis implacitatus fuerit de tota terra ſua vel etiam de parte ejuſdem ita quod reſiduum non ſufficiat ad valentiam quadraginta librarum & hoc poſſit verificare tunc ceſſet diſtrictio donec placitum illud terminetur Item ſi aliquis eorum teneatur in certis debitis atterminatis ad ſcaccarium ad certam ſummam inde capiend' per annum & reſiduum terrarum ſuarum ultra predictam ſummam valorem quadraginta librarum annuarum non excedat ceſſe diſtrictio donec predictum debitum fuerit ſolutum & nullus diſtringatur ad arma militaria ſuſcipienda antequam venerit ad etatem viginti & unius anni.

2 Inſt. 593. Cauſes to excuſe a Man from undertaking Knighthood. *Amended by* St. 16 Car. 1. c. 20.

[a] This is taken from the *Secunda pars veterum Statutorum* by Pulton.

Cotton *MS.*

Item nullus ratione terre ſue quam tenet in maneriis que nunc ſunt in antiquo dominico corone tanquam fokemannus & que terra dabit tallagium quando dominica Regis talliantur diſtringatur ad arma militaria ſuſcipienda Item de illis qui terras ſuas tenent in focagio de aliis maneris corone nullum facientibus ſervitium forinſecum ſcrutentur rotuli de Cancellaria de tempore predeceſſorum domini Regis & fiat ſecundum quod fieri conſuevit.

Eodem modo fiat de clericis infra ſacros exiſtentibus laicum feodum tenentibus qui Milites eſſe deberent ſi laici fuiſſent Item nullus diſtringatur pro Burgagiis ſuis licet valorem quadraginta librarum attingant.

Item qui Milites eſſe debent & non ſunt qui per modicum tempus terras tenuerunt. Et ſimiliter qui nimiam ſenectutem vel defectum membrorum vel morbum incurabilem vel onus liberorum placitorum vel plurium allegant vel certas cauſas votivas pretendunt adeant ad Robertum de Tiptot & Antonium de Beke & coram eis finem faciant quibus eſt injunctum quod ſecundum diſcretionem eorum rationabiles fines admittant.

Statute De frangentibus Priſonam, *made* Anno 1 EDW. II. *Stat.* 2. *and* Anno Dom. 1307.

In what Caſe it is Felony to break Priſon, in what not.

3 Inſt. 69, 70. Kel. 87. Fitz. Coron. 134.

'CONcerning Priſoners which break Priſon, our 'Lord the King willeth and commandeth, 'That none from henceforth that breaketh 'Priſon ſhall have Judgment of Life or Member for 'breaking of Priſon only, except the Cauſe for which 'he was taken and impriſoned did require ſuch Judge-'ment, if he had been convict thereupon according to 'the Law and Cuſtom of the Realm, albeit in Times 2 Inſt. 589. 'paſt it hath been uſed otherwiſe.'

Cotton *MS. Claudius,* D. 2.

DE priſonibus priſonam frangentibus dominus Rex vult & precepit quod nullus de cetero qui priſonam fregerit ſubeat judicium vite & membrorum pro fractione priſone tantum niſi cauſa pro qua captus & impriſonatus fuerit tale judicium requireret ſi de illa juxta legem & conſuetudinem terre fuiſſet convictus licet temporibus preteritis aliter fieri conſuevit.

STATUTUM 2 EDW. II. *apud* Staunford [a].

Ex Rot. in Turr. Lond. *m.* 33. *in Schedula.*

28 Ed. 1. ſtat. 3. c. 2.

CES ſount les Articles qe le Roi EDWARD Piere le Roi qe ore eſt a ſon parlement a Weſtmuſtr en quareſme lan de ſon regne vint & oitiſme entre les autres choſes qil adonqe ordena en allegance des grevances qe ſoen poeple avoit eu par les guerres qe avoient eſte & en amendement de lour eſtat e purtant qil fuiſſent plus preſtez, a ſon ſervice e plus volentiers eidantz qant il en averoit afere ordene e eſtabli en la forme qe ſenſuyt. En primes chief purceo, &c. [*Then is entered on the Record the Statute* Artic. ſuper Chart. 28 E. 1. ſt. 3. c. 2 & 3. *to* ſect. 8. *and* c. 6. *to* qe touche la commune ley. *Then the Record goes on thus:*] Les queux articles le Roi qe ore eſt a la requeſte de ſes bones gentz de ſon Roiaume eant regard a les acheiſons deſuſdites voet & commande qe deſormes ſoient pleinement tenuz & gardez en toutz lour pointz. Et quant a la requeſte des dites bones gentz endroit des pleds trere & tenir a les portes des chaſteux le Roi veut le Roi qe les Coneſtables de ſes chaſteaux ne diſtreignent gentz a pleider devant eux nul plai de forein conte ne deinz conte autrement qe auncienement ſoleit eſtre fait. E quant a les cuſtumes qe le Roi prent par ſes miniſtres ceſt aſavoir de cheſcun tonel de vin ii. s. de cheſcun drap qe marchaundz aliens font venir en ſa terre ii. s. & de cheſcun livre de aver de poys iii. d. Voet le Roi a la requeſte de ſes dites bones gentz qe les dites cuſtumes de vins draps & aver de poys ceſſent a ſa volunte par ſaver & eſtre aviſe quel profit & quel avantage acreſtera a lui & a ſon poeple par ceſſer de la priſe de celes cuſtumes & puis avera le Roi conſeil ſolonc lavantage qil y verra ſauveez totevoies au Roi les auncienes priſes & cuſtumes auncienement dues & approvees. E quant a les autres requeſtes qe les dites bones gentz feſoient au Roi le Roi les ad grante bonement & ad charge ſon Chauncellier & ſes autres miniſtres qe eux les facent garder fermement. Et voet le Roi qe ſi nul ſe ſente greve en nul point contre le dit ordenement & les ditz articles iffint par lui granteez & pleindre ſe voill qe le Chauncellier luy face remedie par breef ſolonc ſon cas & ſolonc ceo qil verra qe mieutz ſoit a fere.

* Firſt printed in Mr. Serjeant Hawkins's Edition.

Litera

Litere patentes ſuper priſis bonorum Cleri de Statuto pro Clero inviolabiliter obſervando. Fact. Anno tertio EDW. II. [a]

Ex Rot. in Turr. Lond. *m.* 33. D.

REX omnibus ad quos &c. ſalutem. Sciatis quod cum celebris memorie dominus Edwardus quondam Rex Anglie Pater noſter in primo parliamento ſuo apud Weſtm' anno regni ſui tertio inter cetera que ibidem pro emendatione ſtatus populi regni ſui & pro tranquillitate & quiete prelatorum & cleri dicti regni ordinavit ſtatuiſſet quod nullus blada aliqua triturare & ea vel victualia aut aliqua alia bona prelatorum religioſorum rectorum eccleſiarum aut aliorum de clero ſub colore emptionis vel alio modo quocumque infra villam mercatoriam vel extra nec etiam equos boves plauſtra carectas naves aut batellos ſuos ad cariagia aliqua inde facienda capere aſportare vel abducere preſumeret contra voluntatem illorum quorum forent vel cuſtodum eorundem et quod ſi quis de voluntate illorum aliquod hujuſmodi faceret ſtatim inde ſatisfaceret illis ſecundum quod conveniri contingeret inter eos et ſimiliter quod omnes qui contra premiſſa vel aliquod illorum venirent & inde convicti fuiſſent priſone regie adjudicarentur & exinde ſecundum qualitatem & modum delicti & prout curie regie expediens viſum fuiſſet redimerentur et quod ſi illi quibus in aliquo premiſſorum tranſgreſſum foret verſus tranſgreſſores hujuſmodi ſequi vellent dampna que eos ſuſtinere contingeret eis in duplum adjudicarentur & reſtituerentur et tranſgreſſores in forma predicta nichilominus punirentur quodque & forſitan aliquis cui contra formam ſtatuti predicti tranſgredi contingeret contra tranſgreſſores hujuſmodi ſequi nollet nichilominus dictus pater noſter contra tranſgreſſores predictos ſectam ſuam tanquam de re contra prohibitionem & pacem ſuam facta haberet et quod idem pater noſter de anno in annum inquiri faceret prout expedire videret qui aliquam tranſgreſſionem hujuſmodi commiſiſſent et inſuper quod omnes illi qui per tales inquiſitiones indictati eſſent attachiarentur & poſtmodum ad veniendum in curia dicti patris noſtri ad certum diem unius menſis ſpatium continentem per magnam diſtrictionem diſtringerentur et quod ſi tunc non venirent iterato diſtringerentur per conſimilem diſtrictionem ad veniendum in curia regia ad terminum ſex ſeptimanarum ſpatium continentem et quod ſi tunc non venirent tanquam convicti judicarentur & dampne in duplum illis qui dampna illa receperant ad ſectam dicti patris noſtri reddere tenerentur & quod nichilominus ſecundum modum et quantitatem tranſgreſſionis ipſorum ad voluntatem regiam graviter redimerentur prout in ſtatuto predicto plenius continentur ac ſubſequenter tempore dicti genitoris noſtri et ſimiliter tempore noſtro poſtquam ſuſcepimus regimen regni noſtri in diverſis parliamentis ipſius patris noſtri et noſtris ex parte prelatorum et cleri regni predicti graves propoſite fuiſſent querimonie continentes quod vicecomites et alii miniſtri dicti patris noſtri dum vixit nec non miniſtri tempore noſtro ſtatutum predictum nullatenus obſervarunt et quod ipſi penas predictas in dicto ſtatuto ut premittitur expreſſas non ponderantes in aliquo ſeu timentes blada victualia et alia bona et ſimiliter equos boves plauſtra carectas naves et batellos prelatorum et aliorum de clero tam infra ſanctuarium quam extra ſub colore officiorum ſuorum et alias pro eorum libito voluntatis contra dictorum prelatorum et cleri ac cuſtodum rerum et bonorum hujuſmodi voluntatem ceperunt et abduxerunt ſuper quibus dicti prelati et clerus remedium ſibi fieri ſepius cum inſtantia ſupplicarunt. Nos ad honorem Dei et pro pace et tranquillitate eccleſie Anglicane futuris temporibus obſervand volentes quod ſtatutum predictum quod per dictum patrem noſtrum et totum commune conſilium regni ſui editum extitit ut eſt dictum quamvis in aliquibus vel aliquo articulorum in ipſo contentorum hactenus minus plene fuerit obſervatum nichilominus impoſterum perpetuis temporibus inviolabiliter in omnibus obſervetur concedimus et firmiter precipimus pro nobis et heredibus noſtris quod nulli vicecomites aut alii miniſtri noſtri vel heredum noſtrorum ſeu alius quicumque blada aliqua triturare et ea vel aliqua alia victualia vel bona aut etiam equos boves plauſtra carectas naves ſeu batellos prelatorum religioſorum rectorum eccleſiarum vel aliorum de clero ſub colore emptionis vel alio modo in villis mercatoriis aut alibi contra voluntatem illorum quorum fuerint vel cuſtodum eorundem capere aſportare vel abducere aut etiam occaſione illa extorſionem aliquam ab aliquo facere preſumant ſub omnibus et ſingulis penis ſupradictis et quod omnes et ſinguli contra premiſſa venientes abſque excuſatione quacumque penis ſubjaceant antedictis quodque omnes at ſinguli miniſtri noſtri et heredum noſtrorum quilibet videlicet ipſorum quatenus ad ipſum ratione officii ſui poterit pertinere in hujuſmodi contravenientes penus exerceant antedictas et quod illi quibus priſone ea occaſione committi contigerit ab eadem non delibe entur ſine noſtro et heredum noſtrorum mandato ſpeciali. In cujus &c. T. R. ut ſupra.

Per ipſum Regem et conſilium.

Statutum ne quis occaſionetur pro reditu Petri de Gaveſton. Fact. Anno 7 EDW. II.

Cotton *MS. Claudius*, D. 2.

EDWARD per la grace de Dieu &c. as touz ceux qi ceſtes lettres verrount ou orrount ſaluz.

Sachez qen noſtre Parlement comence a Weſtm' le dymain preſchein apres le feſte de ſeint Matheu lapoſtoil en lan du noſtre regne ſeptiſme pur certeins et covenables encheſons purveu eſt et graunte per nous & per Erceveſqes Eveſqes Abbees Priours Countes et Barouns & toute la comunalte de noſtre roialme illoeqes a noſtre maundement aſſemblez unement aſſentuz & acorde qe nul de quele eſtat ou condicion

[a] This is taken from the *Veterum Statutorum ſecunda pars*, and inſerted in Mr. Serjeant Hawkins's Edition.

Cotton *MS.*

dicion qil ſoit en nulle temps avenir ſoit chalenge pris nenpriſone empeſche moleſte ne greve nen jugement meſne per nous ne per autres a noſtre ſeute ne a ſeute dautri qi qil ſoit en noſtre Courte ne nul part aillours pur encheſon de revenir de Monſieur Piers de Gaveſton en Engleterre ne deide maintenaunce aerdaunce ne du counſeil ne de reſceite de lui ne dalliaunce faite a lui ou pur lui per eſcrit ou autrement ne pur encheſon de demoerer en ſa compaignie nen ſervice en nul temps paſſe cea en ariere. Et volons qe ceo graunt e acorde ſoit ferme & eſtablie en touz ces pointz & cheſcun de eux ſoit tenuz & gardez a perpetuite. En teſmoignance de quele choſe nous avons faite faire ceſtes noz letres patentz. Don' a Weſtm'. le ſeptiſme jour de Novembre lan de noſtre Regne ſeptiſme.

Statutum ne quis occaſionetur pro captione & Morte Petri de Gaveſton. Fact. Anno 7 Edw. II. *Stat.* 2.

Cotton *MS. Claudius*, D. 2.

EDWARD par le grace de Dieu &c. A ſes Juſtices du Baunk ſaluz Sachent touz qe pur certeines & covenables encheſons en noſtre parlement a Weſtm' le lundy preſchein apres le feſte de ſeint Edward le Confeſſour ceſt aſſavoir le quinze jour Doctobre lan de noſtre regne ſeptiſme purveu eſt & graunte per nous & per Erceveſqes Eveſces Abbees Priours Countes Barouns & la cominalte de noſtre roialme illoeqes a noſtre maundement aſſemblez unement aſſentuz & acordez qe nul de quele eſtate ou condicion qil ſoit en temps avenir ne ſoit appellez ou chalengez pur lencheſon de la pris la detenue ne de la morte Piers de Gaveſton ne pur meſme la morte ne ſoit pris nempriſonez empeſchez moleſtez ne grevez nen jugement meſnez per nous ne per autres a noſtre ſeute ne a ſeute dautri qi qil ſoit en noſtre Courte ne nulle part aillours et volons qe ce graunt & concord ſoit ferme & eſtablie en touz ſes pointes & cheſcun de eux ſoit tenuz & gardez aperpetuite Et purce nous maundons qe ceo graunt & concord facez en le Baunk avantdit lire enrouler & fermement garder aperpetuite ſicome deſuis eſt dit.

Done a Weſtm' le xvj. jour Doctobr' lan de noſtre regne avantdit.

De diverſis Libertatibus Clero conceſſis.

Articuli Cleri, *made at* Lincoln, Anno 9 Edw. II. *Stat.* 1. *and* Anno Dom. 1315.

"THE King to all to whom, *&c.* ſendeth "Greeting. Underſtand ye, That whereas "of late Times of our Progenitors ſometimes "Kings of *England*, in divers their Parliaments, and "likewiſe after that we had undertaken the Governance of the Realm, in our Parliaments many Articles containing divers Grievances (committed as "therein was ſaid againſt the Church of *England*, the "Prelates and Clergy) were propounded by the Prelates and Clerks of our Realm; and further, great "Inſtance was made that convenient Remedy might "be provided therein: And of late in our Parliament "holden at *Lincoln*, the ninth Year of our Reign, we "cauſed the Articles underwritten, with certain Anſwers made to ſome of them heretofore, to be rehearſed before our Council, and made certain Anſwers to be corrected; and to the Reſidue of the "Articles underwritten, Anſwers were made by Us "and our Council; of which ſaid Articles, with the "Anſwers of the ſame, the Tenors here enſue."

Ex Rot. in Turr. Lond. *m.* 34. D.

REX omnibus ad quos &c. ſalutem. Sciatis quod cum dudum temporibus progenitorum noſtrorum quondam Regum Anglie in diverſis parliamentis ſuis et ſimiliter poſtquam regni noſtri gubernacula ſuſcepimus in parliamentis noſtris per prelatos & clerum regni noſtri plures articuli continentes gravamina aliqua eccleſie Anglicane & ipſis prelatis & clero illata ut in eiſdem aſſerebatur porrecti fuiſſent & cum inſtantia ſupplicatum ut inde apponeretur remedium opportunum ac nuper in parliamento noſtro apud Lincoln' anno regni noſtri nono articulos ſubſcriptos & quaſdam reſponſiones ad aliquos eorum prius factas coram concilio noſtro recitari ac quaſdam reſponſiones corrigi & ceteris articulis ſubſcriptis per nos & dictum conſilium noſtrum fecerimus reſponderi quorum quidem articulorum & reſponſionum tenores ſubſequuntur in hunc modum.

CAP. I.

No Prohibition ſhall be granted where Tythes be demanded, where Money is paid for them.

3 Ed. 4. 13. Cro. El. 753. 12 Co. 29. 13 Co. 41.

"FIRST, whereas Lay-men do purchaſe Prohibi- "tions generally upon Tythes, Obventions, Ob- "lations, Mortuaries, Redemption of Penance, vio-

IN primis laici impetrant prohibitionem in genere ſuper decimis obventionibus oblationibus mortuariis redemptionibus penitentiarum violenta manuum

Ex Rot. in Turr. Lond.

nuum injectione in clericum vel conversum & in causis diffamationis in quibus agitur ad penam canonicam imponendam Rex ad istum articulum respondet quod in decimis oblationibus obventionibus mortuariis quando super istis nominibus proponuntur prohibitioni regie non est locus etiam si propter detentionem istorum diuturnam ad estimationem earundem pecuniariam veniatur. Set si clericus vel Religiosus decimas suas in orreo suo congregatas vel alibi existentes vendiderit alicui pro pecunia si petatur pecunia coram Judice ecclesiastico locum habet prohibitio quia per venditionem res spirituales fiunt temporales & transeunt decime in catalla.

" lent laying Hands on Clerks or Converts, and in " Cases of Defamation, in which Cases Spiritual " Penance ought to be enjoined;" ' the King doth ' answer to this Article, That in Tythes, Oblations, ' Obventions, Mortuaries (when they are propounded ' under these Names) the King's Prohibition shall hold ' no Place, although for the long withholding of the ' same, the Money may be esteemed at a Sum certain. ' But if a Clerk or a religious Man do sell his Tythes ' being gathered in his Barn, or otherwise, to any ' Man for Money, if the Money be demanded before ' a spiritual Judge, the King's Prohibition shall lie; ' for by the Sale the spiritual Goods are made tem- ' poral, and the Tythes turned into Chattles.' Rast. 484, &c. 2 Inst. 619. *See c. 2. & 5.*

By 18 *Ed.* 3. *c.* 5. *no Prohibition but where the King hath Cognizance. See farther* 50 *Ed.* 3. *c.* 4. 2 *H.* 5. *stat.* 1. *c.* 3.

CAP. II.

Debate upon the Right of Tythes exceeding the Fourth Part. Enjoining Penance Corporal or Pecuniary.

ITEM si sit contentio de jure decimarum originem habens ex jure patronatus & earundem decimarum quantitas ascendat ad quartam partem bonorum ecclesie locum habet regia prohibitio si hec causa coram ecclesiastico Judice ventiletur. Item si prelatus imponat penam pecuniariam alicui pro peccato & repetat illam regia prohibitio locum habet verumptamen si prelati imponant penitentias corporales & sic puniti velint hujusmodi penitentias per pecuniam sponte redimere non habet locum regia prohibitio si coram prelatis pecunia ab eis exigatur.

' ALSO if Debate do arise upon the Right of Tythes, having his Original from the Right of ' the Patronage, and the Quantity of the same Tythes ' do come unto the fourth Part of the Goods of the ' Church, the King's Prohibition shall hold Place, if ' the Cause come before a Judge Spiritual. Also if ' a Prelate enjoin a Penance Pecuniary to a Man for ' his Offence, and it be demanded, the King's Prohi- ' bition shall hold Place. But if Prelates enjoin a ' Penance Corporal, and they which be so punished ' will redeem upon their own Accord such Penances by ' Money, if Money be demanded before a Judge Spi- ' ritual, the King's Prohibition shall hold no Place.' 2 Inst. 619. Co. 465. Regist. 35.

CAP. III.

Laying violent Hands upon a Clerk. Excommunication for Penance Corporal.

INsuper si aliquis violentas manus injecerit in clericum pro violata pace debet emenda fieri coram rege pro excommunicatione vero coram prelato ut imponatur penitentia corporalis quam si reus velit sponte per pecuniam redimere dandam prelato vel leso potest repeti coram prelato nec in talibus regia prohibitio locum habet.

' MOreover, if any lay violent Hands on a Clerk, ' the Amends for the Peace broken shall be be- ' fore the King, and for the Excommunication before ' a Prelate, that Penance Corporal may be enjoined; ' which if the Offender will redeem of his own good ' Will, by giving Money to the Prelate, or to the ' Party grieved, it shall be required before the Prelate ' and the King's Prohibition shall not lie.' Regist. 51, 52, 57. 2 Inst. 620.

CAP. IV.

Prelates may correct for Defamation.

IN diffamationibus etiam corrigant prelati supradicto modo regia prohibitione non obstante.

' IN Defamations also Prelates shall correct in ' manner abovesaid, the King's Prohibition not- ' withstanding.' 4 Co. 20. 2 Inst. 620. Regist. 49. Rast. 487, &c.

CAP. V.

No Prohibition where Tithe is demanded of a new Mill.

ITEM si aliquis in fundo suo molendinum erexerit de novo & postea a Rectore loci exigatur decima de eodem exhibetur prohibitio regia sub hac forma *Quia de molendino tali hactenus decime non fuerunt solute prohibemus &c. et sententiam excommu-*

" ALSO if any do erect in his Ground a Mill of " new, and after the Parson of the same Place " demandeth Tithe for the same, the King's Prohibi- " tion doth issue in this Form: Quia de tali molendino " hactenus decimæ non fuerunt solutæ, prohibemus, " &c. 2 Inst. 621. 1 Roll. 405. 2 Roll. 84.

" &c. & ſententiam excommunicationis, ſi quam " hac occaſione promulgaveritis, revocetis omnino. " The Anſwer." ' In ſuch Caſe the King's Prohibi- ' tion was never granted by the King's Aſſent, nor ' never ſhall, which hath decreed that it ſhall not ' hereafter lie in ſuch Caſes.'

Ex Rot. in Turr. Lond. *nicationis ſi quam hac occaſione promulgaveritis revocetis omnino. Reſponſio.* In tali caſu nunquam exivit prohibitio de principis voluntate qui & decernit talem perpetuo non exire.

CAP. VI.

Where a Suit for one Offence may be proſecuted both in Court Spiritual and Temporal.

2 Inſt. 622.

" ALSO if any Cauſe or Matter, the Knowledge " whereof belongeth to a Court Spiritual, and " ſhall be definitively determined before a Spiritual " Judge, and doth paſs into a Judgement, and ſhall not " be ſuſpended by an Appeal; and after, if upon the " ſame Thing a Queſtion is moved before a Temporal " Judge between the ſame Parties, and it be proved by " Witneſs or Inſtruments, ſuch an Exception is not " to be admitted in a Temporal Court. The An- " ſwer." ' When any one Caſe is debated before ' Judges Spiritual and Temporal (as above appeareth ' upon the Caſe of laying violent Hands on a Clerk) ' it is thought, that notwithſtanding the Spiritual ' Judgement, the King's Court ſhall diſcuſs the ſame 4 Co. 16, 20. ' Matter as it ſhall deem expedient.'

ITEM ſi aliqua cauſa vel negotium cujus cognitio ſpectat ad forum eccleſiaſticum & coram eccleſiaſtico Judice fuerit ſententialiter terminata & tranſierit in rem judicatam nec per appellationem fuerit ſuſpenſa et poſtmodum coram judice ſeculari ſuper eadem re inter eaſdem perſonas queſtio moveatur & probetur per teſtes vel inſtrumenta talis exceptio in foro ſeculari non admittetur. *Reſponſio.* Quando eadem cauſa diverſis rationibus coram judicibus eccleſiaſticis & ſecularibus ventilatur ut ſupra patet de injectione violenta manuum in clericum dicunt quod non obſtante eccleſiaſtico judicio Cur' Regis ipſum tractat negotium ut ſibi expedire videtur eccleſiaſtico judicio non obſtante.

CAP. VII.

In what only Caſe the King's Letters ſhall be ſent to diſcharge an Excommunicate.

See poſtea c. 12. alſo 13 Rich. 2. ſtat. 2. c. 3. for the Penalty of bringing Excommunication for executing the Statute of Proviſors. See farther 5 El. c. 23. for the due Execution of the Writ of Excommunicat' capiend. Regiſt. 65. 2 Inſt. 622.

" ALSO the King's Letter directed unto Ordi- " naries, that have wrapped thoſe that be in " Subjection unto them in the Sentence of Excom- " munication, that they ſhould aſſoil them by a cer- " tain Day, or elſe that they do appear, and ſhew " wherefore they have excommunicated them. The " Anſwer." ' The King decreeth, That hereafter no ' ſuch Letters ſhall be ſuffered to go forth, but in caſe ' where it is found that the King's Liberty is preju- ' diced by the Excommunication.'

ITEM littera regia ordinariis dirigitur qui aliquos ſuos ſubditos excommunicationis vinculo innodarunt quod eos abſolvant infra certum diem alioquin quod compareant reſponſuri quare eos excommunicaverunt. *Reſponſio.* Rex decernit quod talis littera nunquam exire impoſterum permittatur niſi in caſu quo poſſet inveniri ledi per excommunicationem regiam libertatem.

CAP. VIII.

Clerks in the King's Service ſhall be diſcharged of their Reſidence, but ſhall be corrected by the Ordinary.

" ALSO Barons of the King's Exchequer claim- " ing by their Privilege, that they ought to make " Anſwer to no Complainant out of the ſame Place, " extend the ſame Privilege unto Clerks abiding there, " called to Orders or unto Reſidence, and inhibit Or- " dinaries that by no Means, or for any Cauſe, ſo " long as they be in the Exchequer, or in the King's " Service, they ſhall not call them to Judgment. " The Anſwer." ' It pleaſeth our Lord the King, ' That ſuch Clerks as attend in his Service, if they 2 Inſt. 623. Privilege of the Exchequer. ' offend, ſhall be correct by their Ordinaries, like as ' other; but ſo long as they are occupied about the ' Exchequer, they ſhall not be bound to keep Reſidence ' in their Churches.' " This is added of new by the " King's Council." ' The King and his Anceſtors ' ſince Time out of Mind have uſed, that Clerks, ' which are employed in his Service, during ſuch Time ' as they are in Service, ſhall not be compelled to keep ' Reſidence at their Benefices. And ſuch Things as ' be thought neceſſary for the King and the Com- ' monwealth, ought not to be ſaid to be prejudicial to Regiſt. 58. ' the Liberty of the Church.'

ITEM Barones de Scaccario domini Regis vendicantes ſibi ex privilegio quod non debent extra illum locum conquerenti cuiquam reſpondere extendunt illud privilegium ad clericos commorantes ibidem vocatos ad ordines ſeu ad reſidentiam et dioceſanis inhibent ne aliquo modo aliquave ex cauſa dum ſunt in Scaccario & in ſervitio domini Regis trahant ad judicium quovis modo. *Reſponſio.* Placet domino Regi ut clerici ſuis obſequiis intendentes ſi delinquant per ordinarios ut ceteri corrigantur ſet tempore quo occupantur circa Scaccarium ad reſidentiam in ſuis faciend' eccleſiis non tenentur. *Hic additur ſic de novo per conſilium domini Regis.* Rex et anteceſſores ſui a tempore cujus contrarii memoria non exiſtit uſi ſunt quod clerici ſuis immorantes obſequiis dum obſequiis illis intendunt ad reſidentiam in ſuis beneficiis faciend' minime compellantur nec debet dici tendere in prejudicium eccleſiaſtice libertatis quod pro Rege & republica neceſſarium invenitur.

CAP.

CAP. IX.

Diſtreſſes ſhall not be taken in the Highways, nor in the ancient Fees of the Church.

Ex Rot. in Turr. Lond.

ITEM miniſtri domini Regis ut vicecomites & alii ingrediuntur feodum eccleſie ad diſtrictiones faciend' & aliquando capiunt animalia Rectorum in via regia quando non habent niſi terram pertinentem ad eccleſiam. *Reſponſio.* Placet domino regi ne decetero diſtrictiones fiant hujuſmodi nec in via regia nec in feodis quibus olim eccleſie ſunt dotate vult tamen diſtrictiones fieri in poſſeſſionibus de novo a perſonis eccleſiaſticis adquiſitis.

"ALSO the King's Officers, as Sheriffs and other, do enter into the Fees of the Church to take Diſtreſſes, and ſometime they take the Parſon's Beaſts in the King's Highway, where they have nothing but the Land belonging to the Church." *The Anſwer.* 'The King's Pleaſure is, That from henceforth 'ſuch Diſtreſſes ſhall neither be taken in the King's 'Highway, nor in the Fees wherewith Churches in 'Times paſt have been endowed; nevertheleſs he 'willeth Diſtreſſes to be taken in Poſſeſſions of the 'Church newly purchaſed by Eccleſiaſtical Perſons.' 2 Inſt. 627. 52 H. 3 c. 15. Regiſt. 98, 183.

CAP. X.

They that abjure the Realm ſhall be in Peace, ſo long as they be in the Church or Highway.

ITEM quandoque aliqui confugientes ad eccleſiam abjurant terram ſecundum regni conſuetudinem & proſequuntur laici eos vel inimici eorum & a publica ſtrata abſtrahuntur & ſuſpenduntur vel ſtatim decapitantur & dum ſunt in eccleſia cuſtodiuntur per armatos infra cimiterium & quandoque infra eccleſiam ita arcte quod non poſſunt exire locum ſacrum cauſa ſuperflui ponderis deponendi nec permittitur eis neceſſaria victui miniſtrari. *Reſponſio.* Qui terram abjurarunt dum ſunt in ſtrata publica ſunt in pace regis nec debent ab aliquo moleſtari & dum ſunt in eccleſia cuſtodes eorum non debent morari infra cimiterium niſi neceſſitas vel evaſionis periculum hoc requirat. Nec arcentur confugi dum ſunt in eccleſia quin poſſint habere vite neceſſaria & exire libere pro obſceno pondere deponendo. Placet etiam domino Regi ut latrones appellatores quandocumque voluerint poſſint ſacerdotibus ſua facinora confiteri ſet caveant confeſſores ne erronee hujuſmodi appellatores informent.

"ALSO where ſome flying unto the Church, abjure the Realm, according to the Cuſtom of the Realm, and Lay-men or their Enemies do purſue them, and pluck them from the King's Highway, and they are hanged or headed; and whilſt they be in the Church are kept in the Church-yard with armed Men, and ſometime in the Church, ſo ſtraitly, that they cannot depart from the hallowed Ground to empty their Belly, and cannot be ſuffered to have Neceſſaries brought unto them for their Living." *The Anſwer.* 'They that abjure the Realm, 'ſo long as they be in the Common Way, ſhall be 'in the King's Peace, nor ought to be diſturbed of 'any Man; and when they be in the Church, their 'Keepers ought not to abide in the Church-yard, 'except Neceſſity or Peril of Eſcape do require ſo. 'And ſo long as they be in the Church, they ſhall not 'be compelled to flee away, but they ſhall have Neceſſaries for their Living, and may go forth to empty 'their Belly. And the King's Pleaſure is, that 'Thieves or Appellors (whenſoever they will) may 'confeſs their Offences unto Prieſts; but let the Confeſſors beware that they do not erroneouſly inform 'ſuch Appellors.' 2 Inſt. 628. *Repealed by* 1 Jac. 1. c. 25. 21 Jac. 1. c. 28. *takes away all Sanctuaries.*

CAP. XI.

Religious Houſes ſhall not be charged by Compulſion with Corodies, Penſions, Reſort, or taking of their Horſes or Carts.

ITEM petitur quod dominus Rex & regni Magnates non onerent domos religioſas vel eccleſiaſticas perſonas pro corrodiis penſionibus vel prehendinationibus faciendis in domibus religioſis & aliis locis eccleſiaſticis carectis & equis ſibi mittendis cum per hoc predicte domus depauperentur cultuſque divinus in hac parte diminuatur & propter hujuſmodi onera compelluntur ſepiſſime preſbyteri & alii miniſtri eccleſiaſtici divinis officiis deputati a locis recedere ſupradictis. *Reſponſio.* Placet domino Regi quod ſuper contentis in petitione decetero indebite non onerentur. Et ſi per magnates aut alios contra fiat habeant inde remedium juxta formam ſtatutorum tempore domini E. Regis patris

"ALSO it is deſired that our Lord the King, and the Great Men of the Realm, do not charge Religious Houſes, or Spiritual Perſons, for Corodies, Penſions, or ſojourning in Religious Houſes, and other Places of the Church, or with taking up Horſes or Carts, whereby ſuch Houſes are impoveriſhed, and God's Service diminiſhed, and, by reaſon of ſuch Charges, Prieſts, and other Miniſters of the Church deputed unto Divine Service, are oftentimes compelled to depart from the Places aforeſaid." *The Anſwer.* 'The King's Pleaſure is, That upon the 'Contents in their Petition, from henceforth they 'ſhall not be unduly charged. And if the contrary 'be done by great Men or other, they ſhall have 'Remedy after the Form of the Statutes made in the 'Time of King Edward, Father to the King that 'now 2 Inſt. 296. 3 Ed. 1. c. 1.

'now is. And like Remedy ſhall be done for Corodies and Penſions exacted by Compulſion, whereof no 'Mention is made in the Statutes.'

Ex Rot. in Turr. Lond.
Regis nunc editorum. Et fiat conſimile remedium de corrodiis & penſionibus per coertionem exactis de quibus non fit mentio in ſtatutis.

CAP. XII.

A Clerk excommunicate may be taken out of the Pariſh where he dwelleth.

2 Inſt 630. "ALSO if any of the King's Tenure be called "before their Ordinaries out of the Pariſh where "they continue, if they be excommunicate for their "manifeſt Contumacy, and after forty Days a Writ "goeth out to take them, they pretend their Privilege "that they ought not to be cited out of the Town and "Pariſh where their Dwelling is; and ſo the King's "Writ that went out for to take them is denied." *The Anſwer.* 'It was never yet denied, nor ſhall be 'hereafter.'

ITEM ſi aliqui de tenura domini Regis vocati coram ordinariis extra parochiam in qua degunt ſi propter ſuam manifeſtam contumaciam excommunicentur ac poſt quadraginta dies pro eorum captione ſcribatur pretendunt ſe privilegiatos quod extra villam ſeu parochiam ſuam non debent vocari et ſic denegatur breve regium pro captione eorundem. *Reſponſio.* Nunquam fuit negatum nec negabitur in futurum.

CAP. XIII.

The Examination of a Parſon preſented to a Benefice belongeth to a Spiritual Judge.

2 Inſt. 631. "ALSO it is deſired that Spiritual Perſons, whom "our Lord the King doth preſent unto Benefices "of the Church (if the Biſhop will not admit them "either for lack of Learning, or for other Cauſe rea"ſonable) may not be under the Examination of Lay "Perſons in the Caſes aforeſaid, as it is now attempt"ed, contrary to the Decrees Canonical, but that they "may ſue unto a Spiritual Judge for Remedy, as Right 4 Mod. 135. "ſhall require." *The Anſwer.* 'Of the Ability of 'a Parſon preſented unto a Benefice of the Church, 'the Examination belongeth to a Spiritual Judge, 'and ſo it hath been uſed heretofore, and ſhall be Regiſt. 53. 'hereafter.'

ITEM petitur quod perſone eccleſiaſtice quas dominus Rex ad benificia preſentat eccleſiaſtica ſi Epiſcopus eas non admittat ut puta propter defectum ſcientie vel aliam cauſam rationabilem non ſubeant examinationem laicarum perſonarum in caſibus ante dictis prout hiis temporibus attemptatur de facto contra canonicas ſanctiones ſet adeant Judicem eccleſiaſticum ad quem de jure pertinet pro remedio prout juſtum fuerit conſequendo. *Reſponſio.* De idoneitate perſone preſentate ad beneficium eccleſiaſticum pertinet examinatio ad Judicem eccleſiaſticum & ita eſt hactenus uſitatum & fiet in futurum.

CAP. XIV.

There ſhall be free Election of Dignities of the Church.

2 Inſt. 632. 3 Ed. 1. c. 5. "ALSO if any Dignity be vacant, where Election "is to be made, it is moved that the Electors "may freely make their Election without Fear of "any Power Temporal, and that all Prayers and Op"preſſions ſhall in this Behalf ceaſe." *The Anſwer.* 'They ſhall be made free according to the Form of 'Statutes and Ordinances.'

ITEM ſi vacet aliqua dignitas ubi electio eſt facienda petitur quod electores libere poſſint eligere abſque incuſſione timoris a quacumque poteſtate ſeculari & quod ceſſent preces & oppreſſiones in hac parte. *Reſponſio.* Fiant libere juxta formam ſtatutorum & ordinationum.

CAP. XV.

A Clerk fleeing into the Church for Felony, ſhall not be compelled to abjure.

"MOreover, though a Clerk ought not to be "judged before a Temporal Judge, nor any "Thing may be done againſt him that concerneth "Life or Member; nevertheleſs Temporal Judges "cauſe that Clerks fleeing unto the Church, and per"adventure confeſſing their Offences, do abjure the "Realm, and for the ſame Cauſe admit their Abjura"tions, altho' hereupon they cannot be their Judges, "and ſo Power is wrongfully given to Lay Perſons to "put to Death ſuch Clerks, if ſuch Perſons chance to "be found within the Realm after their Abjuration; "the Prelates and Clergy deſire ſuch Remedy to be "provided herein, that the Immunity or Privilege of "the Church and Spiritual Perſons may be ſaved and

ITEM licet clericus coram ſeculari Judice judicari non debeat nec aliquid contra ipſum fieri per quod ad periculum mortis vel mutilationem membri valeat proveniri ſeculares tamen judices clericos ad eccleſiam confugientes & reatus ſuos forte confitentes faciunt abjurare regnum & eorum abjurationem admittunt ex illa cauſa quamquam eorum judices ſuper hiis non exiſtant ſicque datur laicis indirecte poteſtas hujuſmodi clericos trucidandi ſi ipſos poſt hujuſmodi abjurationem in regno contigerit inveniri ſuper quo petunt prelati & clerus tale remedium adhiberi ut immunitas eccleſie & eccleſiaſticarum perſonarum conſervetur illeſa. *Reſponſio.* Clericus pro felonia fugiens ad eccleſiam pro immunitate

Ex Rot. in Turr. Lond.

munitate eccleſiaſtica optinend' ſi aſſerit ſe eſſe clericum regnum non compellitur abjurare ſet legi regni ſe reddens gaudebit eccleſiaſtica libertate juxta laudabilem conſuetudinem regni hactenus uſitatam.

" unbroken." *The Anſwer.* ' A Clerk fleeing to ' the Church for Felony, to obtain the Privilege of ' the Church, if he affirm himſelf to be a Clerk, he ſhall ' not be compelled to abjure the Realm, but yielding himſelf to the Law of the Realm, ſhall enjoy the ' Privilege of the Church, according to the laudable ' Cuſtom of the Realm heretofore uſed.'

By 28 H. 8. c. 1. Abjurers in petty all Sanctuaries.

Treaſon ſhall not have Clergy. See 1 Jac. 1. c. 25. *and* 21 Jac. 1. c. 28. *which takes away*

CAP. XVI.

The Privilege of the Church being demanded by the Ordinary, ſhall not be denied to a Clerk that hath confeſſed Felony.

ITEM quamquam confeſſio coram illo qui non eſt Judex confitentis non teneat nec ſufficiat ad faciendum proceſſum vel ſententiam proferendam quidam tamen ſeculares judices clericos qui de foro ſuo in hac parte non exiſtunt reatus proprios & enormes ut puta furta roberias & homicidia coram eis confitentes admittunt ad accuſationem aliorum quam ipſi communiter vocant appellum ipſoſque ſic confitentes accuſantes ſeu appellum facientes non liberant prelatis eorum poſt premiſſa quanquam ſuper hiis fuerint ſufficienter requiſiti licet coram eis etiam per confeſſionem propriam judicari vel condempnari nequeant abſque violatione eccleſiaſtice libertatis. *Reſponſio.* Appellatori in forma debita tanquam clerico per ordinarium petite libertatis eccleſiaſtice beneficium non negatur. Nos deſiderantes ſtatui eccleſie Anglicane & tranquillitati & quieti prelatorum & cleri predictorum quatenus de jure poterimus providere ad honorem Dei & emendationem ſtatus dicte eccleſie & prelatorum & cleri predictorum omnes & ſingulas reſponſiones predictas ac omnia & ſingula in eiſdem reſponſionibus contenta ratificantes & approbantes ea pro nobis & heredibus noſtris concedimus & precipimus imperpetuum inviolabiliter obſervari volentes & concedentes pro nobis & heredibus noſtris quod predicti prelati & clerus & eorum ſucceſſores imperpetuum in premiſſis juriſdictionem eccleſiaſticam exerceant juxta tenorum reſponſionum predictarum abſque occaſione inquietatione vel impedimento noſtri vel heredum noſtrorum ſeu miniſtrorum noſtrorum quorumcumque. In cujus &c. T. R. apud Ebor' xxiiij. die Novembr' anno regni Regis E. fil. Regis E. decimo.

Per ipſum Regem & conſilium.

" ALSO notwithſtanding that a Confeſſion made before him that is not lawful Judge thereof, is not ſufficient whereon Proceſs may be awarded, or Sentence given; yet ſome Temporal Judges (though they have been inſtantly deſired thereto) do not deliver to their Ordinaries, according to the Premiſſes, ſuch Clerks as confeſs before them their heinous Offences, as Theft, Robbery, and Murther, but admit their Accuſation, which commonly they call an Appeal, albeit to this Reſpect they be not of their Court, nor can be judged or condemned before them upon their own Confeſſion, without breaking of the Church's Privilege." *The Anſwer.* ' The ' Privilege of the Church being demanded in due ' Form by the Ordinary, ſhall not be denied unto the ' Appealour as to a Clerk. We deſiring to provide ' for the State of holy Church of *England*, and for the ' Tranquillity and Quiet of the Prelates and Clergy ' aforeſaid, as far forth as we may lawfully do, to the ' Honour of God, and Emendation of the Church, ' Prelates and Clergy of the ſame; ratifying, confirming, and approving all and every of the Articles ' aforeſaid, with all and every of the Anſwers made ' and contained in the ſame, do grant and command ' them to be kept firmly, and obſerved for ever; willing and granting for us and our Heirs, that the ' foreſaid Prelates and Clergy, and their Succeſſors, ' ſhall uſe, execute, and practiſe for ever the Juriſdiction of the Church in the Premiſſes, after the Tenour of the Anſwers aforeſaid, without Quarrel, Inquieting, or Vexation of us or of our Heirs, or any ' of our Officers whatſoever they be. *T. R.* at *York*, the ' *xxiv.* Day of *November*, in the Tenth Year of the ' Reign of King Edward, the Son of King Edward.'

2 Inſt. 637.

See 28 H. 8. c. 1. by which Perſons in Holy Orders are to be puniſhed as others.

The Statute of Sheriffs, *made at* Lincoln Anno 9 Edw. II. *Stat.* 2. *and* Anno Dom. 1315.

Sheriffs ſhall be aſſigned by the Chancellor, *&c.* A Sheriff muſt have ſufficient in the ſame County, and not be Bailiff, *&c.* to any. Bailiffs of Hundreds ſhall have ſufficient in the ſame Shire.

Ex Rot. in Turr. Lond. *m.* 32.

POR ce qe noſtre ſeignur le Roi Edward fiz le Roi Edward a ſon parlement a Nicole a la quinzeme de la ſeint Hiller lan de ſon regne neuf par demonſtraunce des Prelatz Contes Barons & autres grant du Roiaume ſomuns

" FOraſmuch as our Lord King Edward, Son to King Edward, at his Parliament holden at *Lincoln* in *quindena Hilarii*, in the 9th Year of his Reign, by the Information of his Prelates, Earls, Barons, and other great Men of the Realm,

Cro. Car. 13.

" being ſummoned to the ſame Parliament, and alſo by " the grievous Complaint of the People, did perceive " great Damage to be done to him, and great Oppreſ- " ſions and Diſheritances to his People, by reaſon un- " ſufficient Sheriffs and Hundreders have been before " this Time, and yet be in the Realm;" ' our Lord the ' King, intending to eſchew ſuch evil Oppreſſions and ' Diſheritances by the Aſſent of the Prelates, Earls, ' Barons, and other great Eſtates aforeſaid, hath or- ' dained and eſtabliſhed in the ſaid Parliament, That ' the Sheriffs from henceforth ſhall be aſſigned by the ' Chancellor, Treaſurer, Barons of the Exchequer, ' and by the Juſtices; and in the Abſence of the ' Chancellor, by the Treaſurer, Barons, and Juſtices. ' And that none ſhall be Sheriff except he have ſuffi- ' cient Land within the ſame Shire where he ſhall be ' Sheriff, to anſwer the King and his People. And ' that none that is Steward or Bailiff to a great Lord ' ſhall be made Sheriff, except he be out of Service, ' ſo that he may attend to execute the Office of a ' Sheriff for the King and his People. And in like ' Manner it is agreed and eſtabliſhed, that Hun- ' dreds, whether they belong to the King, or to other, ' ſhall be kept by convenient and able Perſons, that ' have ſufficient Land within the ſame Hundred or ' Shire where the Hundred is; and that the Chancellor, ' Treaſurer, Barons, and Juſtices, ſhall do and aſſign ' in Manner aforeſaid, without having other Regard. ' And if any Sheriffs or Hundreders be inſufficient at ' this Time, they ſhall be removed, and other more ' convenient put in their Rooms. And that ſuch ' Hundreds be leaſed and bailed to ſuch Perſons for ' a reaſonable Rent, ſo that they need not to uſe Ex- ' tortion upon the People by reaſon of too outrageous ' Ferm; and that no Sheriff nor Hundreder ſhall ' leaſe his Office to any other in Ferm or otherwiſe. ' And that the Execution of Writs that come to the ' Sheriffs ſhall be done by the Hundreders ſworn and ' known in the full County, and not by other, if it be ' not the open Default or notorious Diſturbance of the ' Hundreders; and then Execution ſhall be done by ' other Perſons meet and ſworn, ſo that the People ' may know to whom to ſue ſuch Executions; ſaving ' always the Returns of Writs to them that have ' them, or ought to have them.'

Who ſhall aſſign Sheriffs. 28 Ed. 1. ſtat. 3. c. 8 & 13. *By* 14 Ed. 3. ſtat. 1. c. 7. *Sheriff ſhall continue in his Office but one Year.* Who ſhall be Sheriffs, and of what Eſtate they ſhall be. 4 Ed. 3. c. 9. 5 Ed. 3. c. 4. 13 & 14 *Car.* 2. *c.* 21. Who ſhall have the keeping of Hundreds. Regiſt. 178. 2 Ed. 3. c. 4. *which confirms this Statute.*

By whom Execution of Writs ſhall be done. 13 Ed. 1. ſtat. 1. c. 39.

Ex Rot. in Turr. Lond.

a cel parlement & par greveuſes pleintes del poeple entendi grantz damages eſtre faitz a lui & trop griefs oppreſſions & diſheritaunces a ſon poeple par la reſon qe meins ſuffiſantz viſcontes & gardeins des hundreds ont eſte avant ces houres & uncore ſont en dit roiaume noſtre ſeignur le Roi voillant eſcheure ceux maux oppreſſions & deſheritances del aſſentz des Prelatz Contes Barons & les grantz avantditz en ſon dit parlement purvit & eſtabli qe Viſcontes deſoremes ſoient mis par le Chancellier le Treſorer & les Barons del leſcheqer & par les Juſtices & en abſence del Chauncellier par le Treſorer Barons & Juſtices. Et qe nul ne ſoit viſconte ſil neit terre ſuffiſaument en meiſme la contee ou il ſerra viſconte por reſpondre au Roi & au poeple. Et qe nul qe ſoit ſeneſchal ou baillif de grant ſeignur ſeit fait viſconte ſil le oſte de autre ſerviſe Mes tiel le ſeit qe de tut puiſe entendre al office de viſconte faire pur le Roi & pur le poeple & qe Chauncellier Treſorer Barons & Juſtices facent & mettent en la manere avantdite ſanz autre regard aver. En meiſme la manere eſt accorde & eſtabli qe les hundredz le quel qil ſoient au Roi ou as autres ſoient gardez par gentz covenables eantz terre ſuffiſaument en meiſme le hundred ou en le Countee ou le hundr' ſerra. Et ſi aſcuns viſcountes ou hundreders ſoient a ceo meins ſuffiſauntz ſoint tantoſt remuetz & autres convenables mis en la forme avantdite. Et qe les hundredz ſoient leſſez & bailletz a tieux gentz a renable poer iſſint qil ne conveigne pas qil facent extorſion ſur le poeple pur trop utrageouſe ferme & qe nul Viſconte ne Hundredor ne baille a autre ſon office agarder a ferme ne en autre manere. Et qe les execucions des briefs qe vendroint as viſcontes ſoient faites par les hundredors conutz & juretz en plein contee & nemie par autres ſil ne ſoit en grant defaute ou notoire deſtorbance des hundredors & adonqes ſoient faites par autres covenables & juretz iſſint qe le people puiſſe ſaver a qi ſeure tieles execuciones ſauve touzjours retorn des brefs a ceus qe les ont & aver devient.

REX vic' Ebor' ſalutem. Mittimus tibi quoddam ſtatutum in parliamento noſtro apud Lincoln' editum de forma conſtituendi vicecomites & ballivos hundredorum & de aliis articulis in eodem ſtatuto contentis ſigillo noſtro conſignatum precipientes quod ſtatutum illud in pleno comitatu tuo legi publicari & in omnibus articulis ſuis quantum ad te pertinet firmiter & inviolabiter facias obſervari. T. Rege apud Lincoln' xx. die Febr' anno &c. nono.

Conſimiles litere diriguntur ſingulis vicecomitibus per Angliam.

Et fait a remembrer que meiſme leſtatut fu ſeal ſouz le grant ſeal & maunde as treſorer & barons del eſchekier & auxint as juſtices de lun bank & de lautre de fermement garder en tuz ſes paintz.

The

The Statute of Gavelet, *made at* London, Anno 10 EDW. II. *and* Anno Dom. 1316.

The Lords of Rents in *London* may recover them by a Writ of *Gavelet*, and in Default thereof the Lands in Demeſne.

Cotton *MS. Claudius*, D. 2.

PROVISUM eſt per dominum Regem & Juſticiarios ſuos & Civibus London' conceſſum eſt quod ſi Archiepiſcopi Epiſcopi Abbates Priores Comites Barones & Alii qui habent redditus in Civitate London' in aliquibus tenementis & redditus illi aretro fuerint nec redditus illos poſſunt recuperare quod bene liceat eis diſtringere tenentes ſuos pro arreragiis ſuis quamdiu aliquid inveniatur in feodo per quod diſtringere poſſunt [a] Cum ipſi tenentes inplacitentur de Gavelet per quoddam breve de conſuetudinibus & ſerviciis quod bene poteſt fieri per Sokereuns eorundem in huſtengo preſentatos ad cuſtodiend' Sok' ſue ad redditus ſuos colligend' ita quod tenentes ſui cognoverunt ſervicia ſua ſtatim & ſine difficultate fatisfaciant dominis ſuis de arreragiis ſuis Si autem ſervitia ſua denegaverint petentes nominabunt ſtatim ſectam ſuam ſcilt' duos teſtes & abreviabuntur & habebunt diem ad producendum eos ad proximum Huſtingum ad quem diem ſi ipſos teſtes produxerint & per eos in plena Curia oſtendatur ut de pleno viſu et auditu quod ipſi conquerentes aliquando perceperint redditus quos petunt de tenementis tunc ipſi tenentes amittant feoda per judicia Curie & querentes recuperabunt tenementa ſua in dominico ſi autem ut predictum eſt cognoverint dominis ſuis ſervitia & ſuper arreragiis tunc ad judicium dicte Curie duplicabunt arreragia & dabunt vic' pro injuſta detentione ſi ad hoc ſufficiant abſque gravamine C. s. ſi autem poſt debitam ſummonitionem ad Huſtengum non venerint tunc feoda illa in pleno Huſtengo liberabuntur conquerenti tenenda in manibus ſuis per unum annum & unum diem ad quem terminum ſi tenentes venerint ad eos & optulerint eis ſatisfacere de arreragiis ſuis duplicandis et vic' de miſſa ſua ut predictum eſt tunc rehabebunt tenementa ſua ſin autem poſt annum & diem completum remanebunt tenementa illa dominis feodorum illorum per judicium ejuſdem Curie in dominico ſuo imperpetuum.

Et tunc vocantur tenementa illa forſeelet eo quod imperpetuum remanebunt in dominico dominis feodorum illorum pro defectu.

Idem tamen eſt obſervand' ſi tenentes cognoſcant arreragia ſua & non poſſunt inde ſatisfacere ſicut predictum eſt.

'IT is provided by our Lord the King and his Juſtices, and alſo granted unto the Citizens of *London*, That Archbiſhops, Biſhops, Abbots, Priors, Earls, Barons, and other that have Rents in *London*, and for ſome Tenements the Rents are behind, and cannot recover thoſe Rents, that it ſhall be lawful for them to diſtrain their Tenants for their Arrerages, ſo long as any Thing is found in the Fee, whereby they may be diſtrained; and if they have nothing in the Fee, whereby they may be diſtrained, then the Tenants ſhall be impleaded by a Writ of *Gavelet* of Cuſtoms and Services, which may be well done by the Freemen of their City preſented in their Huſtings, for the keeping of their Suit, to gather their Rents; ſo that if the Tenants do acknowlege their Services, they ſhall preſently and without Delay ſatisfy their Lords of their Arrerages. And if they deny them their Services, the Demandants ſhall immediately name two Witneſſes, whoſe Names ſhall be inrolled, and ſhall have Day to bring them forth at the next Huſtings; at which Day if they bring forth Witneſſes, and it is ſhewed by them in the full Court of their own Sight and Hearing, that the ſame Plaintiffs have any Time received the Rents which they demand of the Tenements, then the Tenants ſhall leeſe their Fees by award of the Court, and the Plaintiffs ſhall recover their Tenements in Demean. If they will not acknowledge the Services unto their Lords, as before is ſaid, and likewiſe the Arrerages, then the Arrerages by the Judgement of the Court ſhall be doubled, and they ſhall give to the Sheriff for the wrongful withholding (if they be worth ſo much) *C. s.* without any Difficulty; and if they do not come in after due Summons in the Huſtings, then the ſame Fees ſhall be delivered unto the Plaintiffs in the full Huſtings, to be holden in their own Hands for one Year and a Day; within which Time if the Tenants do come unto them, and do offer to ſatisfy them of the Arrerages double, and to the Sheriff for his Amerciament, as before is ſaid, then they ſhall have their Tenements again. But if it be after one Year and a Day accompliſhed ſuch Tenements ſhall remain unto the Lords of thoſe Fees by Judgement of the Court in their Demean for ever; and then ſuch Land ſhall be called *Forſchoke*, becauſe ſuch Tenement ſhall remain for ever in demean to the Lords of the Fees for Default of the Service. The ſame Ordinance ſhall be kept and obſerved if the Tenants do acknowledge the Arrerages, and be not able to make Satisfaction therefore, as it is ſaid before.'

[a] Si autem nichil inveniatur in feodo per quod poſſint diſtringi Tunc ipſi tenentes implacitentur, &c. *In alio* MS.

The

The Statute of York, *made the Twentieth of* October, Anno 12 EDW. II. *Stat.* 1. *and* Anno Dom. 1318.

Ex Rot. in Turr. Lond. *m.* 32.

" FORASMUCH as divers People of the Realm of *England* and *Ireland* have heretofore many Times ſuffered great Miſchiefs, Damages, and Diſheriſon, by Reaſon that in ſome Caſes where the Law failed, no Remedy was ordained; and alſo foraſmuch as ſome Points of the Statutes heretofore made had need of Expoſition; Our Lord King EDWARD, Son to King EDWARD, deſiring that full Right be done to his People, at his Parliament holden at *York*, the third Week after the Feaſt of Saint *Michael*, the Twelfth Year of his Reign, by the Aſſent of the Prelates, Earls, Barons, and the Commonalty of his Realm there aſſembled, hath made theſe Acts and Statutes here following, the which he willeth to be ſtraitly obſerved in his ſaid Realm and Land."

PUR ceo qe pluſurs gentz du Roialme dEngleterre & de la terre dIrlaunde unt einz ces houres ſoventefeth ſoffert meſchefs & deſheriteſons par encheiſon de ceo qe en aſcun cas ou defaute de lei fuſt remedie ne fuſt ordene & auſſint pur ceo qe aſcuns pointz des eſtatutz avant faitz avoient meſtier deſclariſſament Noſtre Seignour le Roi EDWARD fiz au Roi EDWARD deſiraunt plenere dreit eſtre faite a ſon poeple a ſon parlement a Everewyk as tres ſimeignes de ſeint Michel lan de ſon regne duſziſme par aſſent des Prelatz Countes Barons & la communaute de ſon reaume illoeqs aſſemblez fiſt les eſtabliſſementz & les eſtatutz qe ſenſuent les queus il veut qe en le dit roialme & en la dite terre ſoient fermement tenutz.

CAP. I.

Tenants in Aſſiſe of *Novel diſſeiſin* may make Atturnies.

" FIRST, for divers Miſchiefs that have been, becauſe Tenants in Aſſiſe of *Novel diſſeiſin* might " not make Atturnies heretofore:" ' it is agreed ' that the Tenants in Aſſiſe of *Novel diſſeiſin* from ' henceforth may make Atturnies. Yet the King ' intendeth not hereby that the Tenants and Defendants in Aſſiſes of *Novel diſſeiſin* ſhould not plead by ' Bailiffs, if they will, as they have uſed to do heretofore.'

Pleading by Bailiffs.

EN primes pur diverſes meſchefs qe unt eſtez de ceo qe les tenantz en aſſiſes de Novele diſſeiſine ne poeint avant ces houres fere attorne Accorde eſt qe les tenantz en brefs de Novele diſſeiſine deſore puiſſent fere attornez. Et nentent mie le Roi par tant qe les tenantz & les defendants en aſſiſes de Novele diſſeiſine ne puiſſent pleder par baillif com avant ſoleient ſil voillent.

CAP. II.

Proceſs againſt the Witneſſes to prove a Deed denied.

5 H. 7. f. 8. Fitz. Verdict, 39. Fitz. Proceſs, 15, 17, 24, 126, 141, 151, 181, 182, 185. Co. Lit. 6. Raſt. 252.

' ALSO it is agreed, that when a Deed, Releaſe, Acquittance, or other Writing is denied in the ' King's Court, wherein Witneſſes be named, Proceſs ' ſhall be awarded to cauſe ſuch Witneſſes to appear, ' as before hath been uſed; ſo that if none of them ' come at the great Diſtreſs returned, or if it be returned that they have nothing, or that they cannot be ' found, yet the taking of the Inqueſt ſhall not be deferred by the Abſence of ſuch Witneſſes. And ' if the Witneſſes do come in at the great Diſtreſs, ' and the Inqueſt for ſome Cauſe remaineth untaken, ' the Witneſſes that come in ſhall have like Day given ' them as is aſſigned for the taking of the Inqueſt; ' at which Day, if the Witneſſes do not appear, the ' Iſſues that were firſt returned upon them ſhall be forfeit; and the taking of the Inqueſt ſhall not be ' deferred becauſe of their Abſence. And for Abſence of Witneſſes dwelling within Franchiſes, where ' the King's Writ original doth not lie, the taking of ' an Inqueſt ſhall not be omitted.'

ET enſement acorde eſt qe qant Charte quite clamaunce aquitaunce ou autre eſcrit ſeit dedit en la Court le Roi en queus ſoient teſmoignes nomez ſeit proces fait de fere venir les teſmoignes com avant ad eſte uſee iſſint qe ſil ne veignent a la grant deſtreſce ſur eus retourne ou qe retourne ſeit qil ne unt rien ou ne ſont trovez qe adonk ne ſeit leſſee la priſee de lenqueſte par abſence de tieux teſmoignes. Et ſi les teſmoignes veignent par la grant deſtreſce & lenqueſte par aſcune encheſon remaigne a prendre ſeit meſme le jour done a ceus teſmoignes qe iſſint vendront qeſt done a lenqueſte prendre A queux jour ſi tieux teſmoignes ne veignent ſoient lour iſſues ſur eus primes retournetz forfeetz & la priſe de lenqueſte ne remaigne par lour abſence. Et pur abſence des teſmoignes qe ſont des franchiſes ou brief le Roi original ne court mie ne feit la priſe de tiele enqueſte leſſe.

CAP. III.

Inqueſts and Juries touching Plea of Land ſhall be taken by *Niſi Prius*.

13 Ed. 1. ſtat. 1. c. 30. 27 Ed. 1. ſtat. 1. c. 4.

" AND where it is contained in a Statute made at " *Weſtminſter* the Second Day of *April*, in the " xxvii Year of the Reign of the King's Father that

ET com il ſeit contenu en leſtatut fait a Weſtm' le ſecund jour dAverill lan du regne EDWARD pere noſtre ſeignur le Roi qore eſt vint ſeptime qe les

Ex Rot. in Turr. Lond.

les enqueſtes & les reconiſaunces devant Juſtices del un Bank & del autre ajugez fuiſſent priſes devant aſcun des Juſtices des places aſſocie a li un Chivaler du Counte ou les enqueſtes ſerreient a prendre ſi les enqueſts ne fuiſſent de grant examinement & qe en tieles enqueſtes prendre fuſt fait ſicom les Juſtices verroient qe feiſt a fere au profit du Roialme le quel eſtatut ad beſoigne deſtre meuz declare Acorde eſt qe les enqueſtes & juretz qe ſont & ſerront a prendre en plee de terre qe ne ſont mie de grant examinement ſoient priſes en pays devant un Juſtice de la place ou le ple eſt aſſocie a li un prodhome du pays Chevaler ou autre Iſſint qe certain jour ſeit done en Bank & certein jour & leu en pays en preſence des parties ſi demaundaunt le prie. Et auſi les enqueſtes & jurez en plai de terre qe demaundent grant examinement ſoient priſes en pays en la fourme ſuſdite devant deus Juſtices du Bank.

" now is, that Inqueſts and Recogniſances taken before " Juſtices of the one Bench and of the other, ſhould " be taken before any Juſtice of the Places accom- " panied with ſome Knight of the Shire where ſuch " Inqueſts hap to be taken, if they have not Need " of great Examination; and that in ſuch Inqueſts " the Juſtices ſhall do as they think moſt expedi- " ent for the Wealth of the Realm, the which Statute " needeth to be better declared;" ' it is agreed, Co. Lit. 6.
' That Inqueſts and Juries that be and ſhall be taken *See* 14 Ed. 3. ſtat. 1. c. 16.
' in Pleas of Land, that require not great Examina- *before what Perſons Niſi Prius may be granted.*
' tion, ſhall be taken in the Country before a Juſtice ' of the Place where the Plea is, accompanied with a ' ſubſtantial Man of the Country, Knight, or other, ' ſo that a certain Day be given in the Bench, and a ' certain Day and Place in the Country, in the Pre- ' ſence of the Parties, if the Demandant requeſt it. ' And alſo the Inqueſts and Juries, in Pleas of Land ' that require great Examination, ſhall be taken in ' the Country (in the Manner aboveſaid) before two Raſt. 437.
' Juſtices of the Bench.'

CAP. IV.

Juſtices of *Niſi Prius* ſhall record Nonſuits, Defaults, &c.

ET eit la Juſtice ou les Juſtices poer a recorder nonſutes & defautes en pays as jour & lieus qe ſerront aſſignez com deſuz eſt dit. Et ceo qil averont fait en les choſes ſuſdites ſeit reporte en Bank a jour done & illoeqs enroule & de ceo jugement rendu. Et nentent mie le Roi qe les dites enqueſtes & jurez ne puiſſent eſtre priſes en Bank ſi ele veignent ne qe ceſt eſtatut ſeſtent a grant aſſiſes. Et auſi une Juſtice del un Bank & de lautre aſſocie a lui un prodhomme du pays Chevaler ou autre al requeſte du pleintiff preigne les enqueſtes dez pledz pledez & a pleder qe ſont movez par attachementz & deſtreſces Et eyt poer de recorder les nonſutes com deſus eſt diſt & prendre les enqueſtes par defautes illoeqs faites. Et qant a les aſſiſes de Dreiin preſent & les enqueſtes ſur bref de Quare impedit prendre ſeit fait com il eſt contenutz en le ſecund eſtatut de Weſtm' Et eyt la Juſtice poer de recorder nonſutes & defautes en pays & ſur ceo jugement doner com en Bank & ſoit reporte en Bank ceo qe il avera fait & illoeqs ſeit enroule. Et ſi iſſint aveigne qe les Juſtices ou la Juſtice qe ſerront ou ſerra aſſigne de prendre tieles enqueſtes en pays ne veignent pas ou ne veigne en pays au jour aſſigne jadumeyns les parties & les gentz del enqueſte gardent lour jour en Bank.

' AND the Juſtices or Juſtice ſhall have Power to Dyer 163.
' record Nonſuits and Defaults in the Country, ' at the Days and Places aſſigned, as afore is ſaid. ' And that which they ſhall have done in the Things ' above mentioned, ſhall be reported in the Bench at a ' Day certain, there to be inrolled, and thereupon ' Judgement ſhall be given. And the King in- ' tendeth not, that the ſaid Inqueſts and Juries ſhould ' not be taken in the Bench if they come, nor that ' this Statute ſhould extend unto great Aſſizes. And ' alſo one Juſtice of the one Place and of the other, ' being aſſociate with a diſcreet Man of the Country, ' Knight, or other, at the Requeſt of the Plaintiff, ' ſhall take Inqueſts upon Pleas pleaded and to be ' pleaded, that be moved by Attachment and Diſtreſs, ' and ſhall have Power to record Nonſuits as above is ' ſaid, and to take Inqueſts upon Defaults there made. ' And as to the Inqueſts to be taken upon Writs of 13 Ed. 1. ſtat. 2 c. 30.
' *Quare impedit*, it ſhall be done as is contained in the *By* 14 Ed. 3. ſtat. 1. c. 16. *Juſtices of Aſſiſe may give Judgement in Quare impedit, &c.*
' Statute of *Weſtminſter* the Second; and the Juſtices ' ſhall have Power to record Nonſuits and Defaults in ' the Country, and to give Judgement thereupon, as ' they do in the Bench, and there to report that which ' they have done, and there to be inrolled. And if ' it happen, that the Juſtice or Juſtices that ſhall be ' aſſigned to take ſuch Inqueſts in the Country, do not ' come, or if they come into the Country at the Day ' aſſigned, yet the Parties and Perſons of ſuch Inqueſts ' ſhall keep their Day in the Bench.'

CAP. V.

An Indenture ſhall be made between the Sheriff and Bailiff of Liberty of every Return.

ET pur ceo qe ſovenere pleinte ad eſte fait en la Court le Roi qe les retourns qe baillifs des fraunchiſes qe unt pleyn retourn des briefs le Roi unt liverez as viſcontes apres unt eſte chaungez & en autre maniere retournez en la Court le Roi a grant damage des aſcuns des parties & en delayance de droiture Acorde eſt qe des retourns qe deſore ſe ſerront as viſcontes par baillifs des tieles fraunchi-

" AND becauſe it is many Times complained in 5 Co. 41.
" the King's Court upon Returns, that Bailiffs 2 Roll 113, 209, 210.
" of Franchiſes (having full Power to return the King's " Writs) have delivered to Sheriffs, that have been " after changed, and otherwiſe returned into the King's " Court, to the great Damage of ſome of the Parties, " and the Delay of Right;" ' it is agreed, That of ' Returns which hereafter ſhall be delivered to the

' Sheriffs

Cro. El. 310, 509, 703, 767. Cro. Car. 189. 1 Bulſtr. 73.

Bro. Return de Brief, 81. Bro. Scire fac', 233. Sheriffs and Bailiffs ſhall ſet their Names to their Returns. Carthew, 56.

'Sheriffs by Bailiffs of ſuch Franchiſes, an Indenture ſhall be made between the Bailiff of the Franchiſe by his proper Name, and the Sheriff by his proper Name. And if any Sheriff change the Return ſo delivered to him by Indenture, and be thereof convict at the Suit of the Lord of the Franchiſe, of whom he received the Return, if the Lord have had any Damage, or if his Franchiſe be imblemiſhed, and at the Suit of the Party that hath ſuſtained Loſs through that Occaſion, he ſhall be puniſhed by the King for his Falſe Return, and ſhall yield unto the Lord and to the Party double Damages. Alſo it is agreed, That from henceforth Sheriffs, and other Bailiffs that receive the King's Writs returnable in his Court, ſhall put their own Names with the Returns, ſo that the Court may know of whom they took ſuch Returns, if need be. And if any Sheriff or other Bailiff leave out his Name in his Return, he ſhall be grievouſly amerced to the King's Uſe.'

Ex Rot. in Turr. Lond.

ſes ſoit faite endenture plenere entre le baillif de la fraunchiſe nome par ſon propre noun & le viſcounte nome par ſon propre noun. Et ſi nul viſcounte chaunge retourn iſſint livere a li par endenture & de ceo ſeit atteint a la ſute le Seignur de la fraunchiſe dont il avera tiel retourn reſceu ſil le Seignur avera damage encoru ou ſa fraunchiſe ſeit enblemie & a la ſute de la partie qe avera damage encorue par cel encheiſon ſeit puni de vers le Roi com de faus return & rende au Seignur & a la partie damage a double. Auſſint eſt accorde qe deſore Viſcontes & autres Baillifs qe reſceivent brefs le Roi returnables en ſa court mettent leur propres nouns ove leur returnes iſſint qe le court puiſſe ſavoir a qi prendre des tieux returns ſi meſtier ſeit. Et ſi nul viſconte ou autre baillif en ſes returns entreleſſe ſon noun ſeit grevement amercie al oeps le Roi.

CAP. VI.

No Officer of a City or Borough ſhall ſell Wine or Victuals during his Office.

By 6 R. 2. *ſtat.* 1. c. 9. *no Victualler ſhall exerciſe a judicial Place, &c.* Altered by 7 R. 2. c. 11. *and* 3 H. 8. c. 8.

'ALSO to the common Profit of the People, it is agreed, That no Officer in City or in Borough, that by Reaſon of his Office ought to keep Aſſiſes of Wines and Victuals, ſo long as he is Attendant to that Office, ſhall not merchandiſe for Wines nor Victuals, neither in Groſs, nor by Retale; and if any do, and be thereof convict, the Merchandiſe whereof he is convict ſhall be forfeit to the King, and the third Part thereof ſhall be delivered to the Party that ſued the Offender, as the King's Gift. And in ſuch Caſe he that will ſue for a Thing ſo forfeited, ſhall be received; and the Chancellor, Treaſurer, Barons of the Exchequer, Juſtices of either Bench, and Juſtices aſſigned to take Aſſiſes, ſhall admit ſuch Plaints by Writs, and without Writs, and ſhall determine them, and ſhall perform all Things contained in theſe Articles in Form aboveſaid. And nevertheleſs the King may aſſign his Juſtices to execute this Thing in Cities and Boroughs, when and where it pleaſeth him.'

ENſement por comun profit du poeple acorde eſt qe nul miniſtre en cite ne en burgh qi par reſon de ſon office deit garder aſſiſe des vins & des vitailles tant com il ſerra entendaunt a tiel office ne marchaunde des vins ne des vitailles en gros ne a retail Et ſi nul face & de ceo ſoit atteint la marchaundie dunt il ſerra atteient ſoit forfaite au Roi & la tierce partie ſeit livere come de donn le Roi a celi a qi ſute le treſpaſſour ſerra iſſint atteint. Et en tieu cas ſeit reſceu celi qe vodra ſure por tieu choſe ateindre & Chaunceller Treſorer Barons del Eſcheker Juſtices del un Bank & de lautre & Juſtices aſſignetz as aſſiſes prendre reſceivent tieux pleintes par brief & ſans bref & les terminent & perfacent totes les choſes contenues en ceſt article en la fourme avantdite. Et jadimeyns put le Roi aſſigner ſes Juſtices a ceſte choſe perfere en cites & en burghs qant & la ou il plerra.

Regiſt. 184. Raſt. 686.

REX dilectis & fidelibus ſuis Henrico le Scrop & ſociis ſuis Juſtic' noſtris ad placita coram nobis tenenda aſſignatis ſalutem. Quedam ſtatuta per nos in preſenti parliamento noſtro apud Ebor'um convocato de aſſenſu prelatorum comitum baronum & totius communitatis regni noſtri ibidem exiſtentium ad communem utilitatem populi ejuſdem regni edita vobis mittimus ſub ſigillo noſtro conſignata mandantes quatenus ſtatuta illa coram vobis publicari & ea in omnibus & ſingulis ſuis articulis quantum ad vos pertinet firmiter teneri faciatis. T. R. apud Ebor'um primo die Decembr'.

Per ipſum Regem.

LE Roi au Viſcontez d Everwyk ſaluz. Come nadgeres entre autre e ſtatutz faitz a noſtre drein parlement a Everwyk feuſſe accordeez & faitz les eſtabliſſementz qe ſenſuent *Por ceo qe ſovenere pleinte ad eſte faite en la court la Roi* &c. ut ſupra uſque in finem vos comandons qe les ditz pointz enſi eſtabliz facetz publier en voſtre plein countee e en cites e en burghs & aillors en voſtre baillie ou vous verretz qil ſoit afaire & les teignetz & gardez tant qe come a vous apent ſur les peines ſuſecrites. Donez a Everwyk le oytiſme jour de Janevoir.

Eodem modo mandatum eſt ſingulis vicecomitibus per Angliam.

Dicta ſtatuta poſtmodum miſſa fuerunt in Hiberniam ut in brevi ſubſcripto continetur & liberata fuerunt Godefrido filio Rogeri una cum dicto brevi deferend'.

REX Cancellario ſuo Hibernie ſalutem. Quedam ſtatuta per nos in parliamento noſtro apud Ebor' convocato de aſſenſu Prelatorum Comitum Baronum & totius communitatis regni noſtri ibidem exiſtentium ad communem utilitatem populi ejuſdem regni ac terre noſtri Hibernie edita vobis ſub ſigillo noſtro mittimus conſignata mandantes quod ſtatuta illa in dicta cancellaria noſtra cuſtodiri ac in rotulis ejuſdem cancellarie irrotulari & ſub ſigillo noſtro quo utimur in Hibernia in forma patenti exemplificari & ad ſingulas placeas noſtras

Ex Rot. in Turr. Lond.

ſtras in terra predicta & ſingulos comitatus ejuſdem terre mitti faciatis per brevia noſtra ſub dicto ſigillo miniſtris noſtris placearum illarum & vicecomitibus dictorum comitatuum mandantes quod ſtatuta illa coram ipſis publicari & ea in omnibus & ſingulis ſuis articulis quantum ad eorum ſingulos pertinet firmiter faciant obſervari. T. R. apud Clarindon x die Septembr' anno &c. quartodecimo.

Per ipſum Regem.

REX Cancellario ſuo Hibernie ſalutem. Quedam ſtatuta per nos de aſſenſu Prelatorum Comitum Baronum & Communitatis regni noſtri nuper apud Lincoln & quedam alia ſtatuta poſtmodum apud Eborum facta que in dicta terra noſtra Hibernie ad communem utilitatem populi noſtri ejuſdem terre obſervari volumus vobis mittimus ſub ſigillo noſtro mandantes quod ſtatuta illa in dicta cancellaria noſtra cuſtodiri ac in rotulis ejuſdem cancellarie irrotulari & ſub ſigillo noſtro quo utimur in Hibernia in forma patenti exemplificari & ad ſingulas placeas noſtras in terra predicta & ſingulos comitatus ejuſdem terre mitti faciatis per brevia noſtra ſub dicto ſigillo miniſtris noſtris placearum illarum & vicecomitibus dictorum comitatuum mandantes quod ſtatuta illa coram ipſis publicari & ea in omnibus & ſingulis ſuis articulis quantum ad eorum ſingulos pertinet firmiter faciatis obſervari. T. R. apud Notyngh' xx die Novembr'.

Per ipſum Regem.

The Statute of Eſſoins, *made Anno* 12 EDW. II. *Stat.* 2. *and Anno Dom.* 1318.

Several Caſes wherein Eſſoins do not lie.

Cotton *MS. Claudius*, D. 2.

DEmonſtratur quot modis eſſonia ſunt calumpnianda & in quibus eſſonia jacent & in quibus non. Non jacet quia terra capta eſt in manum domini Regis. Non jacet quando aliquis diſtrictus eſt per terras & catalla. Non jacet quia conceſſum eſt hinc inde judicium[a]. Nec jacet de ultra mare quia alias ſe eſſoniavit de malo veniendi. Nec jacet quia ſe eſſoniavit tali die. Nec jacet quia preceptum fuit vicecomiti quod faceret ipſum venire. Non jacet de ſervitio domini Regis pro femina niſi quia nutrix aut obſtetrix aut mittatur per breve ad ventrem inſpiciendum. Non jacet quia querens non invenit plegios de proſequendo. Non jacet quia eſſoniatus teſtatur quod non eſt in ſervitio domini Regis. Non jacet quia nulla ſummonitio teſtificata vel attachiata vel eſt quia vicecomes mandavit quod non eſt inventus. Non jacet quia alias ſe eſſoniavit de ſervitio domini Regis ſcilicet tali die & modo & non miſit Warrantum ſuum. Non jacet quia mandatum fuit Epiſcopo quod faceret eum venire. Non jacet quia non nominatur in brevi. Non jacet quia reſummonitio fuit de ultima preſentatione vel morte anteceſſoris. Non jacet quia preceptum eſt vicecomiti quod attachiet eum. Non jacet quia nondum dies preteriit.

Et ſciendum quod eſſonium de ſervitio domini Regis ſcilicet poſt magnum cape & poſt parvum cape & poſt diſtrictionem per terras & catalla jacet.

[a] Si juratores veniant. *Alio MS.*

'HERE is declared how many Ways Eſſoins may be challenged, and in what Caſes Eſſoins do lie, and in what not; that is to ſay, an Eſſoin lieth not where the Land is taken into the King's Hands. Eſſoin lieth not where the Party is diſtrained by his Land and Chattels. Eſſoin lyeth not where any Judgement is given thereupon. Eſſoin of *Ultra mare* lieth not where another Time the Party hath been eſſoined *De malo veniendi*. It lieth not where the Party hath eſſoined himſelf another Day. It lieth not where the Sheriff was commanded to make the Party to appear. Eſſoin *De ſervitio regis* lieth not where the Party is a Woman, unleſs becauſe ſhe be Nurſe, a Midwife, or commanded by Writ *ad ventrem inſpiciendum*. It lieth not for that the Plaintiff hath not found Pledges to proſecute the Suit. It lieth not where the Party hath an Attorney in his Suit. It lieth not where the Eſſoigner confeſſeth that he is not in our Lord the King's Service. It lieth not where the Summons is not returned, or the Party not attached, for that the Sheriff hath returned *non eſt inventus*. It lieth not where the Party another Time was eſſoined *de ſervitio Regis*, that is to wit, ſuch a Day, and now he hath not put in his Warrant. † *It lieth not where he was reſummoned in Aſſiſe of Mortdaunceſter, or Darrein Preſentment.* It lieth not becauſe ſuch a one is not named in the Writ. It lieth not where the Sheriff hath a Precept to diſtrain the Party to come by his Lands and Goods to attach him. It lieth not where the Biſhop was commanded to cauſe the Party to appear. It lieth not for that the Term is paſſed. And it is to be noted, that an Eſſoin *de ſervitio domini Regis* is allowed after the *Grand Cape*, *Pety Cape*, and after Diſtreſſes taken upon the Lands and Goods.'

52 *H.* 3. *c.* 13 & 20. 3 *Ed.* 1. *c.* 42, 43 & 44. 6 *Ed.* 1. *c.* 10. 13 *Ed.* 1. *c.* 27 & 28.

Fitz. Eſſoin, 3, 99, 135.

Fitz. Eſſoin, 11, 40, 42, 153.

Fitz. Eſſoin, 5, 7, 36.

Cro. Car. 341.

Fitz. Eſſoin, 15, 25, 30, 31, 52, 57.

Fitz. Eſſoin, 9, 114. Fitz. Eſſoin, 1, 138.

Fitz. Eſſoin, 2, 61, 85.

Fitz. Eſſ. 120.

52 H. 3. c. 13, 20. 3 Ed. 1. c. 42, 43. 6 Ed. 1. ſtat. 1. c. 10. 13 Ed. 1. ſtat. 1. c. 12, 17, 27, 28. Regiſt. 8. Raſt. 316, &c.

† Note, *The Order is tranſpoſed in the Tranſlation.*

See 9 *Ed.* 3. *Stat.* 1. *c.* 3. *in Debt againſt divers Executors, they ſhall not fourch by Eſſoin.*

Statutum de vicecomitibus et aliis de viridi cera.

Made Anno 14 EDW. II. *and* Anno Dom. 1321.[a]

Ex Rot. in Turr. Lond. *m.* 33. D.

PUR ceo qe entre autres oppreſſions & grievaunces qe le poeple ad ſentu par viſcontes & autres Miniſtres countre fourme des ſtatutz & autres remedies de ceo purveus il ſe ſent mult greive de ceo qe aſcuns viſcountes & autres miniſtres ne aquitent mie al Eſcheker noſtre ſeign' le Roi ceux des queux il ount leve deners al oeps le Roi par ſomons del Eſcheker e dount il ount fait taille al dettour ou autre acquitaunce & de ceo qe en jurez de vint & quatre le proces ad eſte long ſicome monſtre fuſt a noſtre Seign' le Roi EDWARD fitz le Roi EDWARD a ſon parlement a Weſtmonſter as utaves de la Seint Michel lan de ſon regne quatorziſme par pleinte de la commune de ſon roiaulme noſtre Seign' le Roi deſiraunt purveer & mettre remedie au profiſt de ſon poeple par aſſent des Prelatz Countes & Barouns & tote la commune de ſon roiaulme en dit parlement fiſt & eſtabliſt les eſtatuz qe ſenſuent. A deprimes des viſconts & autres miniſtres qe ount leve la dette le Roi & fount taille ou autre acquitaunce au dettour & ne laquitent pas al Eſcheker & de ceo ſont empledez al Eſcheker & par favour ſount mys as petites iſſues queux il voillent plus voillentiers perdre qe venir a reſpons & iſſint ſont les pleintifs totes voies chargez a mult grant damage & oppreſſion de eux ordene eſt & eſtabli que viſconte ou autre miniſtre quant il eſt de ceo enplede al Eſcheker & ſoit adavaunt ale en le ple qe la grant deſtreſce ſoit retourne ſur lui & il ne veigne pas a reſpons adonqes iſſe autre brief de deſtreſce retournable a certein jour en queu bref ſoit maunde qe proclamacion ſoit faite en plein countee qe le defendaunt veigne a ceu jour & aquite le dettour de la ſumme dount il fiſt taille ou aquitaunce a queu jour ſi le defendaunt ne veigne pas & bref ſoit retourne & proclamacion teſmoigne ſoit tenu pur convict & la dette leve de lui auxi come dette recoveri en la Court le Roi & damages agardez au pleintif ſolom deſcretion des Barons. Et doit ceſt eſtatut eſtendre auxi bien a ceux qe ount eſtiez viſcountes & autres miniſtres tut leſſent il lour baillies come a viſcontes & autres miniſtres taunt come il tenent lour baillies. Et neſt mie lentention de noſtre Seign' le Roi ne de ſon counſeil qe par ceſt eſtatut ſeit nul home forcloſe qil ne ſe puiſſe pleindre ſur viſcounte & autre miniſtre quant il ſerra trove al Eſcheker & qil reſpoignent illoeqs auxi come ad eſte uſe renablement devant ceo temps. Des proces eſcourcer en jurez de vint & quatre pur ceo qe par la ley cea enarere uſe Juſtices nalerent point as tieles jurez prendre avant ceo qe touz les primers jurours qe furent en vie euſſent apparu devant eux en Court et tieux jurours doiauntz eſtre ateintz voleint miels perdre lour iſſues qe apparer en court par quei les pleintifs furent trop delaiez & faux ſerement rerement puny ordene eſt & eſtabli qe ſi les primers jurours qe ſerront en vie ne apiergent pas en Court devant les Juſtices qe ſerront aſſignez as tieux jurez prendre a la primere grant deſtreſce ſur eux retourne ou qe retourne ſoit qil ne ount rien par quei il puſſent eſtre deſtreint qe adonqs pur lour abſence ne ſoit pas delaie la priſe de la jure ſauvee & gardee en totes autres choſes le proces en tieles jurez uſe cea on arere.

Sheriffs.

Attaints.

REX dilectis & fidelibus ſuis Henrico le Scrop & ſociis ſuis Juſtitiariis noſtris ad placita coram nobis tenenda aſſignatis ſalutem. Quedam ſtatuta per nos in parliamento noſtro apud Weſtm' in octabis Sancti Michaelis proximo preteritis convocato de aſſenſu Prelatorum Comitum Baronum & totius Communitatis regni noſtri ibidem exiſtentium ad communem utilitatem populi ejuſdem regni edita vobis mittimus ſub ſigillo noſtro conſignata Mandantes quatenus ſtatuta illa coram vobis publicari & ea in omnibus & ſingulis ſuis articulis quantum ad vos pertinet firmiter teneri faciatis. T. R. apud Weſtm' iiij. die Junii.

Eodem modo mandatum eſt ſubſcriptis videlicet *Juſtic' de Banco*
Thees' & Baron' de Scaccario.

Statutum de Carleol. de Finibus, *made* Anno 15 EDW. II. *and* Anno Dom. 1322.

Vet. Magna Chart. 94. b.

The Conuſor of a Fine ſhall come perſonally before the Juſtices. Where a Commiſſion ſhall be awarded to take a Fine. Who may admit Attorneys.

Ed. 1. ſtat. 4.

'THE King unto the Juſtices of his Bench Greeting. Whereas of late we have ordained that 'all ſuch Fines as are to be levied in our Court 'be lawfully levied, which we will in no wiſe to be 'infringed or to be adnulled of their whole Power, 'we have ſent unto you our Mind in Writing 'firmly to be obſerved: that is to wit, That as well

Cotton *MS. Claudius*, D. 2.

REX Juſticiariis ſuis de Banco ſalutem. Cum nuper ordinaverimus quod Fines in Curia noſtra levandi rite leventur quos nolumus in aliqua ſui parte confringi infirmari ſeu de toto poſſe adnullari voluntatem noſtram ſubſcriptam vobis mittimus obſervandam videlicet quod tam partes querentes quam tenentes & defendentes qui jus vel

[a] This is in the *Secunda pars veterum ſtatutorum*, and in Mr. Serjeant Hawkins's Edition.

tenementa

Cotton *MS.*

tenementa ſua aliis cognoſcere vel reddere debeant in [illegible]acitis Warrantie carte conventionis vel aliis de quibus ſint levandi coram quibus antequam Fines illi leventur perſonaliter veniant ut earum partium etas fatuitas ſeu quicunque alii defectus ſi qui fuerint per vos adjudicari poterunt & decerni proviſo tamen quod ſi quis ſenio an etate decrepita aut debilitate caſualiter ſuperveniente ſic fuerit detentus & oppreſſus quod coram vobis ad Curiam noſtram aliqualiter non poſſit accedere In tali caſu Volumus quod duo vel unus veſtrum de aſſenſu veſtro de Banco talem ſic oppreſſum adeant vel adeat & ſuam recognitionem ſuper placito & forma placiti quod habetur in Curia noſtra de quo finis in eadem Curia levari debet aſſumpto ſecum ſi Unus adeat uno Abbate Priore vel Milite uno fide digno et bone fame recipiant vel recipiat & inde vos per Recordum ſuum reddant vel reddat certiores ut per ipſos vel ipſum omnibus que ad finem levandam pertinent examinatis fines illi ut predictum eſt rite leventur. Nolumus etiam quod aliquis Baronum noſtrorum Scaccarii noſtri ſeu Juſticiariorum noſtrorum aliquos capiant Attornatos niſi tantum in placitis que coram eis & ſociis ſuis in locis & placeis ubi per nos aſſignantur & eandem de Attornato recipiendo Poteſtatem clericis & Miniſtris predictorum Baronum & Juſticiariorum denegamus ordinantes quod ſi aliqui attornati per aliquem predictorum aliquo modo admittantur pro non admiſſis habeantur & teneantur Poteſtate tamen Cancellarii noſtri qui pro tempore fuerit cui juxta diſcretionem ſuam expedire viderit admittendi et etiam Capitalis Juſticiarii noſtri ut hactenus in Attornatis recipiendis ſemper obſervata. Volumus etiam quod hec donacio noſtra in Octabis ſancte Trinitatis proxime futuris incipiat obſervari. T. me ipſo apud Karliolum viij° die Aprilis Anno regni noſtri viceſimo quinto.

'the Parties Demandant or Plaintiff, as the Tenants or Defendants, that will yield or acknowledge their Right of Lands or Tenements unto other in Pleas of *Warrantia Chartæ*, Covenant, and other, whereupon Fines are to be levied afore you, before ſuch Fines do paſs, the Parties ſhall appear perſonally, ſo that their Age, Idiocy, or any other Default, (if any be) may be judged and diſcerned by you. Provided notwithſtanding, That if any Perſon be by Age or Impotence decrepit, or by Caſualty ſo oppreſſed and with-holden, that by no Mean he is able to come before you in our Court, then in ſuch Caſe we will that two or one of you, by Aſſent of the Reſidue of the Bench, ſhall go unto the Party ſo diſeaſed, and ſhall receive his Cogniſance upon that Plea and Form of Plea that he hath in our Court, whereupon the ſame Fine ought to be levied. And if there go but one, he ſhall take with him an Abbot, a Prior, or a Knight, a Man of good Fame and Credit, and ſhall certify you thereof by the Record; ſo that all Things incident to the ſame Fine being examined by him or them, the ſame Fines according to our former Ordinance may be lawfully levied. And we will not that any of our Barons of the Exchequer, or our Juſtices, ſhall admit any Attorneys, but only in Pleas that paſs afore them in the Benches and in Places where they be aſſigned by us. And the ſame Power of admitting Attorneys we prohibit and deny to the Clerks and Servants of the ſaid Barons and Juſtices; and do ordain, That if any Attorneys be admitted hereafter by any of the Perſons aforeſaid, their Admiſſion ſhall be of none Effect. Reſerved alway to the Chancellor for the Time being his Authority in admitting Attorneys, according to whoſe Diſcretion they ſhall be admitted; and to our Chief Juſtices, as heretofore hath been obſerved in the Admiſſion of Attorneys. We will alſo that this our Ordinance ſhall take Effect and begin at the *Utas* of the Trinity next enſuing. Given at our Parliament at *Carliſle*, the Fifteenth Year of our Reign.'

The Conuſor of a Fine ſhall come perſonally before the Juſtice, that his Defects may be diſcerned. Raſt. 349, &c. Bro. Fines levy, 122.

A Commiſſion to take a Fine.

Who may allow Attorneys in every Court. Raſt. 96.

The Lord Chancellor and Chief Juſtices may admit Attorneys.

See further Index, *tit.* Fines *and* Recoveries.

Exilium Hugonis le Deſpenſer Patris et Filii. See Appendix.

Ne quis occaſionetur pro feloniis ſeu tranſgreſſionibus factis in proſecutione Hugonis le Deſpenſer patris et filii. See Appendix.

Forma Chartarum proſequentibus Hugh le Deſpenſer patrem et filium conceſſarum. See Appendix.

A Statute revoking the Pardon granted to the Purſuers of the Deſpenſers, *made* Anno 15 EDW. II. *and* Anno Dom. 1322. *See Appendix.*

A Statute revoking an Eſtabliſhment of the Houſehold, made Anno 16 EDW. II. Anno Dom. 1323. *See Appendix.*

A Statute of Eſtreats, *made Anno* 16 EDW. II. *and* Anno Dom. 1323. *See Appendix.*

Prerogativa Regis, *made* Anno 17 EDW. II. *Stat.* 1. *and* Anno Dom. 1324.

CAP. I.

Cotton *MS. Claudius*, D. 2.

The ſeven Chapters following are taken away by 12 Car. 2. c. 24.

DOMINUS Rex habebit cuſtodiam omnium terrarum eorum qui de ipſo tenent in capite per ſervicium militare de quibus ipſi tenentes fuerunt ſeiſiti in dominico ſuo ut de feodo die quo obierunt de quocumque tenuerunt per hujuſmodi ſervicium dum tamen ipſi tenuerunt de Rege aliquod tenementum ab antiquo de corona uſque ad legitimam etatem Heredum exceptis feodis Archiepiſcopi Cantuarienſis Epiſcopi Dunolmenſis inter Tyne et Theſe & feodis Comitum & Baronum de marchia in marchia ubi brevia Regis non currunt et unde predicti Archiepiſcopus Epiſcopus Comites et Barones habent hujuſmodi cuſtodias licet alibi tenuerunt de Rege.

28 Ed. 1. ſtat. 1.

CAP. II.

REX habebit maritagium heredum infra etatem & in cuſtodia ſua exiſtentium ſive terre heredum predictorum ſint ab antiquo de corona ſive de eſcaetis que ſunt in manu domini Regis ſive habuerit maritagium ratione cuſtodie terrarum dominorum eorundem heredum nullo habito reſpectu quoad prioritatem feoffamenti licet de aliis tenuerint.

28 Ed. 1. ſtat. 1.

CAP. III.

ITEM habet primam ſeiſinam poſt mortem eorum qui de eo tenent in capite de omnibus terris & tenementis de quibus ipſi fuerint ſeiſiti in dominico ſuo ut de feodo cujuſcumque etatis heredes ipſorum fuerint capiendo omnes exitus eorumdem terrarum & tenementorum donec facta fuerit inquiſitio prout moris eſt & ceperit homagium hujuſmodi heredis.

32 H. 3. c. 16.

CAP. IV.

ITEM aſſignabit viduis poſt mortem virorum ſuorum qui de eo tenent in capite dotem ſuam que eas contingit licet heredes fuerint plene etatis ſi vidue voluerint & vidue ille ante predictam aſſignationem dotis ſive predicti heredes fuerint plene etatis vel infra etatem jurabunt quod non maritabunt ſe ſine licentia Regis Et ſi ſe maritaverint ſine licentia Regis tunc Rex capiet in manum ſuam diſtrictionis loco omnes terras & tenementa que de eo tenent in dotem donec ſatisfecerint ad voluntatem Regis Ita quod Rex vel ipſa mulier nichil capiat de exitibus &c. quoſque hujuſmodi mulieres per hujuſmodi diſtrictionis ſeu viri earum finem faciant Regi ad voluntatem Regis & illa voluntas tempore R. H. patris R. E. eſtimari conſuevit ad valenciam predicte dotis per unum annum ad plus niſi uberiorem gratiam habuerint mulieres Etiam que de Rege ſine tenent in capite hereditatem aliquam jurabunt ſimiliter cujuſcumque fuerit etatis quod non maritabunt ſe ſine licentia Regis & ſi fecerint terre & tenementa ipſarum eodem modo capiantur in manum domini Regis quouſque ſatisfecerint ad voluntatem domini Regis.

V. N. B. f. 7. The King's Widow's Oath.
9 H. 3. ſtat. 1. c. 7.
See 32 H. 8. c. 46. *for Erection of Court of Wards, which was taken away by* 12 *Car.* 2. *c.* 24.

CAP. V.

SI una hereditas que tenetur de Rege in capite deſcendat participibus tunc omnes illi heredes faciunt homagium Regi & illa hereditas que tenetur de Rege participabitur inter heredes illos. Ita quod quilibet eorum extunc partem ſuam tenebit ex Rege.

Coparceners that hold in chief.
14 H. 3. ſtat. Hiberniæ.

CAP. VI.

Cotton *MS.*

SI mulier ante mortem Anteceſſoris ſui qui de Rege tenet in capite ante annos nubiles maritata fuerit tunc Rex habebit cuſtodiam corporis ipſius mulieris uſque ad etatem quod conſentiri poſſit et tunc eligat ipſa utrum maluerit habere in virum illum cui primo maritata fuerit vel alium quem Rex ei optulerit Nullus qui tenet de Rege in capite per ſervicium militare poterit alienare majorem partem terrarum ſuarum ita quod reſiduum non ſufficiat ad faciendum inde ſervicium ſine licentia Regis, ſet hoc non conſuevit intelligi de membris et particulis terrarum earundem.

A Woman marries within Age during her Anceſtor's Life. The King's Tenant in chief ſhall not alien without Licence. 1 Ed. 3. ſtat. 2. c. 12.

CAP. VII.

DE ſerjantiis alienatis ſine licentia Regis conſuevit Rex arentare hujuſmodi ſerjantias per rationabilem extentam inde faciendam.

Kel. 52, 53. 1 Ed. 3. ſtat. 2. c. 12. *no Forfeiture, but Fine for Alienation.*

CAP. VIII.

His Prerogative, that Lapſe of Six Months ſhall not prejudice his Preſentation.

DE eccleſiis vacantibus quarum advocationes ſpectant ad Regem et alii preſentaverint ad eaſdem ita quod contentio inter dominum Regem et alios oriatur Si Rex per conſiderationem preſentationem ſuam recuperaverit licet poſt lapſum temporis ſex menſium a tempore vacationis nullum currit ei tempus dum tamen Rex preſentaverit infra predictum tempus ſex menſium.

'OF Churches being vacant, the Advowſons whereof belong to the King, and other preſent to the ſame, whereupon Debate ariſeth between the King and other; if the King by Award of the Court do recover his Preſentation, though it be after the Lapſe of Six Months from the Time of the Avoidance, no Time ſhall prejudice him, ſo that he preſent within the Space of Six Months.'

Bro. Parl. 6. Hob. 214.

CAP. IX.

His Prerogative in the Cuſtody of Lands of Idiots.

REX habet cuſtodiam terrarum fatuorum naturalium capiendo exitus earundem ſine vaſto et deſtructione et inveniet eis neceſſaria ſua de cujuſcumque feodo terre ille fuerint et poſt mortem eorum reddat eas rectis heredibus ita quod nullatenus per eoſdem fatuos alienentur vel eorum heredes exheredentur.

'THE King ſhall have the Cuſtody of the Lands of natural Fools, taking the Profits of them without Waſte or Deſtruction, and ſhall find them their Neceſſaries, of whoſe Fee ſoever the Lands be holden. And after the Death of ſuch Idiots he ſhall render it to the right Heirs, ſo that ſuch Idiots ſhall not aliene, nor their Heirs ſhall be diſinherited.'

Bro. Idiot, 4, 5, 7. 2 H. 7. f. 3. 4 Co. 126. 8 Co. 170. 1 H. 7. f. 24. Dyer 302. Regiſt. 266.

CAP. X.

His Prerogative in the Preſervation of the Lands of Lunaticks.

ITEM habet providere quando aliquis qui prius habuit memoriam et intellectum non fuerit compos mentis ſue ſicut quidam ſunt per lucida intervalla quod terre et tenementa eorundem ſalvo cuſtodiantur ſine vaſto et deſtructione et quod ipſe et familia ſua de exitibus earundem vivant ex ſuſtineantur competenter et reſiduum ultra ſuſtentationem eorundem rationabilem cuſtodiatur ad opus ipſorum liberandum eis quando memoriam recuperaverint. Ita quod predicte terre et tenementa infra predictum tempus non alienentur Nec Rex de exitibus aliquid percipiat ad opus ſuum et ſi obierit in tali ſtatu tunc illud reſiduum diſtribuatur pro anima ejuſdem per conſilium ordinariorum.

'ALSO the King ſhall provide, when any (that beforetime hath had his Wit and Memory) happen to fail of his Wit, as there are many *per lucida intervalla*, that their Lands and Tenements ſhall be ſafely kept without Waſte and Deſtruction, and that they and their Houſhold ſhall live and be maintained competently with the Profits of the ſame, and the Reſidue beſides their Suſtentation, ſhall be kept to their Uſe, to be delivered unto them when they come to right Mind; ſo that ſuch Lands and Tenements ſhall in no wiſe be aliened within the Time aforeſaid; and the King ſhall take nothing to his own Uſe. And if the Party die in ſuch Eſtate, then the Reſidue ſhall be diſtributed for his Soul by the Advice of the Ordinary.

4 Co. 127. Regiſt. 266.

46. *for the Erection of Court of Wards; which was taken away by* *See* 32 H. 8. c. 12 Car. 2. c. 24.

CAP.

CAP. XI.

His Prerogative in having the Wreck of the Sea, Whales, and Sturgeons.

5 Co. 106, 108. 1 H. 7. f. 23. 11 H. 4. f. 16. 9 H. 7. f. 20. 35 H. 6. f. 27.

'ALSO the King ſhall have Wreck of the Sea throughout the Realm, Whales and great Sturgeons taken in the Sea or elſewhere within the Realm, except in certain Places privileged by the King.'

Cotton *MS.*

ITEM habet Warectum maris per totum regnum Ballenas et ſturgiones captos in mari vel alibi infra regnum exceptis quibuſdam locis privilegiatis per Reges.

CAP. XII.

His Prerogative in enjoying the Lands of *Normans*.

47 Ed. 3. f. 21.

'ALSO the King ſhall have Eſcheats of the Lands of *Normans*, to whoſe Fee ſoever they belong, ſaving the Service appertaining to the chief Lords of the ſame Fee. And this alſo is to be underſtood where any Inheritance deſcendeth to any that is born in the Parts beyond the Sea, whoſe Anceſtors were from the Time of King JOHN under the Allegiance of the Kings of *France*, and not of the Kings of *England*, as late it happened by the Barony of *Monmouth*, after the Death of *John De Monmouth*, whoſe Heirs were of *Britain* and other Places, King HENRY by the foreſaid Occaſion recovered many Eſcheats of *Normans* Lands out of the Fees of other Men, and gave them to be holden of the chief Lords of the Fee, by Services due and accuſtomed thereunto.'

ITEM habet eſcaetas de terris Normannorum de cujuſcumque feodo fuerint ſalvo ſervitio quod pertinet ad Capitales dominos feodi illius et hoc ſimiliter intelligendum eſt ſi aliqua hereditas deſcendat alicui nato in partibus tranſmarinis cujus anteceſſores fuerint ad fidem Regis Francie ut tempore Regis Johannis et non ad fidem Regis Anglie ſicut contingit de baronia Monemuth poſt mortem Johannis de Monemuta cujus heredes fuerint in Britannia et alibi de feodis aliorum recuperavit Rex Henricus plures eſcaetas de terris Normannorum occaſione predicta et eas contulit tenendum de capitalibus dominis per ſervitia inde debita et conſueta.

CAP. XIII.

4 Ed. 1. c. 4.

QUANDO aliquis qui tenet de Rege in capite in fata decedit et heres ejus ingrediatur tenementum quod anteceſſor ejus tenuit de Rege die quo obiit antequam fecerit homagium Regi et ſeiſinam ſuam receperit per Regem tunc nullum ei accreſcit liberum tenementum et ſi obierit ſeiſitus per idem tempus uxor ejus non habebit dotem de tenemento illo ſicut contigit de Matilda filia Comitis Hereford uxore Anſelmi Mareſcalli qui poſt Mortem Willielmi Comitis Mareſcalli Anglie Fratris ſui cepit ſeiſinam Caſtri et manerii de Strogil et obiit in eodem Caſtro antequam intreſſet per Regem et feciſſet ei Homagium et unde conſideratum fuit quod ipſa non haberet dotem eo quod vir ejus non intravit per Regem imo per intruſionem ſet hoc non intelligitur de eſcaetis et parvis tenuris.

CAP. XIV.

His Prerogative in having the Eſcheat of Biſhops Freehold Tenants attainted of Felony during the Vacation.

'ALSO the King ſhall have Eſcheats of Lands of the Freeholders of Archbiſhops and Biſhops when ſuch Tenants be attainted for Felony in Time of Vacation, whiles their Temporalities were in the King's Hands, to give at his Pleaſure, ſaving to ſuch Prelates the Service that thereto is due and accuſtomed.'

ITEM habet eſcaetas de terris libere tenentium Archiepiſcoporum et Epiſcoporum quando ipſa tenentes dampnati ſunt pro felonia facta tempore vacationis dum temporalia eorundem fuerunt in manu domini Regis conferendas cui voluerit imperpetuum ſalvo ſervitio quod ad Prelatos inde pertinet.

CAP. XV.

His Prerogative, that Knights Fees, Advowſons, and Dowers do not paſs from him without ſpecial Words.

10 Co. 63. Dyer 350. 2 R. 3. f. 4. 41 Ed. 3. f. 5. 43 Ed. 3. f. 22. Fitz. Quare impedit, 31, 40. Fitz. Gard. 44.

'WHEN our Lord the King giveth or granteth Land or a Manor with the Appurtenances, without he make expreſs Mention in his Deed or Writing of Knights Fees, Advowſons of Churches, and Dowers when they fall, belonging to ſuch Manor or Land, then at this Day the King reſerveth to

QUANDO dominus Rex dat vel concedit aliquod manerium vel terram cum pertinentiis niſi faciat in carta ſua vel ſcripto expreſſam mentionem de feodis Militum advocationibus eccleſiarum & dotibus cum acciderint ad predicta manerium vel terram pertinentibus tunc hiis diebus Rex

reſerva

Cotton *MS.*

reſervat ſibi eadem feoda et advocationes cum dotibus licet inter alias perſonas aliter fuerit obſervatum.

' himſelf ſuch Fees, Advowſons, and Dowers, albeit ' that among other Perſons it hath been obſerved ' otherwiſe.'

Fitz. Liver. 7, 9. 2 Roll. 151.

CAP. XVI.

His Prerogative in having the Lands of Felons attainted.

ITEM Rex habebit omnia catalla dampnatorum felonum & fugitivorum ubicunque inventa fuerint Et ſi ipſi habeant liberum tenementum tunc illud ſtatim capiatur in manum Regis & Rex habebit omnes exitus ejuſdem per unum annum & unum diem & tenementum illud vaſtabitur & deſtruetur de domibus & gardinis boſcis & aliis quibuſcunque ad predictum tenementum pertinentibus exceptis hominibus quorundam privilegiatorum inde per Regem & poſtquam Rex habuerit annum & diem & vaſtum tunc reddatur tenementum illud Capitalibus dominis feodi illius niſi prius faciant finem pro anno die & vaſto De conſuetudine tamen dicitur quod poſt annum & diem terre & tenementa felonum Glouceſtr' redduntur & revertentur proximo Heredi cui debuerant deſcendiſſe ſi facta non fuiſſet felonia & in Kanc' in Gavelkynde the Fader to the Bough and the Sone to the Plough & ibidem omnes heredes maſculi participant hereditatem ſimiliter omnes femine ſet femine non participant cum maſculis Et mulier poſt mortem viri ſui habet medietatem pro dote ſua et ſi fornicetur in viduitate perdit totum vel ſi ſit deſponſata viro.

' ALSO the King ſhall have the Goods of all Felons attainted, and Fugitives, whereſoever they ' be found. And if they have Freehold, then it ' ſhall be forthwith taken into the King's Hands, and ' the King ſhall have all Profits of the ſame by one ' Year and one Day, and the Land ſhall be waſted and ' deſtroyed in the Houſes, Woods, and Gardens, and ' in all Manner of Things belonging to the ſame Land, ' excepting Men of certain Places privileged by the ' King therefore. And after our Lord the King ' hath had the Year, Day, and Waſte, then the Land ' ſhall be reſtored to the chief Lord of the ſame Fee, ' unleſs that he fine before with the King for the Year, ' the Day, and the Waſte. Nevertheleſs it is uſed ' in the County of *Glouceſter* by Cuſtom, that after one ' Year and one Day the Lands and Tenements of Felons ſhall revert and be reſtored to the next Heir, to ' whom it ought to have deſcended if the Felony had ' not been done. And in *Kent*, in Gavelkind, *(The Father to the Bough, the Son to the Plough)* there all ' Heirs Males ſhall divide their Inheritance, and likewiſe Women; but Women ſhall not make Partition with Men. And a Woman after the Death ' of her Huſband ſhall be endowed of the Moiety; ' and if ſhe commit Fornication in her Widow-' hood, or take an Huſband after, ſhe ſhall loſe her ' Dower.'

9 H. 3. ſtat. 1. c. 22.

Cuſtoms of Glouceſter and Kent.

Stamf. Prerog. 20. b.

By 27 H. 8. c. 24. none but the King can pardon Felonies, or make Juſtices.

Modus faciendi Homagium & Fidelitatem, Anno 17 EDW. II. *Stat.* 2. *and* Anno Dom. 1324.

How a Freeman ſhall do his Homage, how his Fealty; and a Villain's Fealty.

Cotton *MS. Claudius*, D. 2.

QUANT fraunk homme fra hommage a ſon ſeignur de qi il tient ſon chief meſuage il tendra ſes mains jointes perentre les mains ſon Seignur & dirra iſſint. Jeo deveigne voſtre homme de ceo jour en avaunt de vie & de membre & de terren honor & foi vous porterei del tenement qe ceo clayme tenir de vous ſauve le foi qe jeo doi a noſtre Seignur le Roi.

Et quant fraunk homme fra hommage a autre qe a ſon chief Seignur & pur ſimple tenement il tendra ſes mains jointes perentre les mains ſon Seignur & dirra iſſint. Jeo deveigne voſtre homme de ceo jour en avaunt & foi vous porterei del tenement qe jeo clayme tenir de vous ſauve le foi qe jeo doy a noſtre Seignur le Roi & a mes autres Seignurages.

Quant fraunk homme fra feaute il tendra ſa main outre le livre & dirra iſſint. Ceo oiez vous monſieur R. qe jeo vous ſerrei foial & loial & foy vous porterei des tenementz qe jeo clayme de vous & loialment vous conuſterei & loialment vous ferrei les cuſtumes & les ſervices qe faire doie as termes aſſignez ſi moy eide Dieux & les Seintz.

WHEN a Freeman ſhall do Homage to his Lord of whom he holdeth in chief, he ſhall hold his Hands together between the Hands of his Lord, and ſhall ſay thus: *I become your Man from this Day forth, for Life, for Member, and for worldly Honour, and ſhall owe you Faith for the Lands that I hold of you, ſaving the Faith that I owe unto our Lord the King, and to mine other Lords.*

Fitz. Grant, 9, 80, 83. Fitz. Conuſ. 81.

' II. When a Freeman ſhall do Fealty to his Lord, ' he ſhall hold his Right Hand upon a Book, and ſhall ' ſay thus: *Hear you my Lord* R. *that I* P. *ſhall be to you ' both faithful and true, and ſhall owe my Fidelity unto ' you for the Land that I hold of you and lawfully ſhall ' do ſuch Cuſtoms and Services as my Duty is to you at the ' Term aſſigned. So help me God and all his Saints.*

Fitz. Avowry, 109.

III. When

'III. When a Villain ſhall do Fealty unto his Lord, 'he ſhall hold his Right Hand over the Book, and ſhall 'ſay thus: *Hear you my Lord* A. *that I* B. *from this 'Day forth unto you ſhall be true and faithful, and 'ſhall owe you Fealty for the Land that I hold of you 'in Villenage, and ſhall be juſtified by you in Body and* St. 12 Car. 2. c. 24. *'Goods. So help me God and all his Saints.'*

Cotton *MS.*

Quant villein fra feaute a ſon Seignur il tendra ſa main deſtre outre-le liver & dirra iſſint. Ceo oiez vous mon ſeignur R. qe je W. vous ſerrei foial & loial & foi vous porterei del tenement qe jeo de vous tien en villenage & qe jeo vous ferrei juſticiable du corps & de chateux ſi moy eide Dieux & les Seints.

Satutum De terris Templariorum, *made* Anno 17 EDW. II. *Stat* 3. *and* Anno Dom. 1324. *See Appendix.*

The Statute for View of Frankpledge, *made the Eighteenth Year of King* EDWARD *the Second*, Anno Dom. 1325.

Fitz. Leet, 6. Fitz. Avowry, 17, 80. Dyer 111. Bro. Leet, 39. 10 H. 6, 7. 41 Ed. 3. 26. 45 Ed. 3. 9. 12 H. 7. 15.

'FIRST, you ſhall ſay unto us by the Oath 'that you have made, If all the Jurors that 'owe Suit to this Court be come, and which 'not.

'2. And if all the chief Pledges be come, as they 'ought to come, and which not.

'3. And if all the Dozeins be in the Aſſiſe of our 'Lord the King, and which not, and who received 'them.

'4. And if there be any of the King's Villains fu- 'gitive dwelling otherwhere than in the King's De- 'means, and of ſuch as be within the King's De- 'means, and have not abiden a Year and a Day.

† *Not in Orig.* '† 5. *And if there be any of the Lords Villains in 'Frankpledge otherwiſe than in this Court.*

'6. Of Cuſtoms and Services due to this Court 'withdrawn, how, and by whom, and in what Bai- 'liffs Times.

'7. Of Purpreſtures made in Lands, and Waters 'to Annoyance.

4 H. 6. 10. '8. Of Walls, Houſes, Dikes, and Hedges ſet up 'or beaten down to Annoyance.

'9. Of Bounds withdrawn and taken away.

'10. Of Ways and Paths opened or ſtopped.

'11. Of Waters turned or ſtopped, or brought 'from their right Courſe.

'12. Of Breakers of Houſes, and of their Receivers.

22 Ed. 4. 22. '14. Of Petty Larons, as of Geeſe, Hens, or 'Sheafs.

'15. Of Thieves that ſteal Clothes, or of Thieves 'that do pilfer Clothes through Windows and Walls.

'16. Of ſuch as go in Meſſage for Thieves.

'17. Of Cries levied and not purſued.

Dyer 233. '18. Of Bloodſhed, and of Frays made.

'19. Of Eſcapes of Thieves or Felons.

6 H. 7. 4. 11 H. 7. 22. '20. Of Perſons outlawed returned, not having 'the King's Warrant.

Bro. Leet, 43. Bro. Coron. 175. Fitz. Avowry, 105. '21. Of Women raviſhed not preſented before 'the Coroners.

'22. Of Clippers and Forgers of Money.

'23. Of Treaſure found.

'24. Of the Aſſiſe of Bread and Ale broken.

'25. Of falſe Meaſures, as of Buſhels, Gallons, 'Yards, and Ells.

Cotton *MS. Claudius*, D. 2.

PRIMES vous nous dirrez per le ſerement qe vous nous avez fait ſi touz les ſeutours qi devent ſuite a ceſte Courte ſoient venuz come venir deivent & queux ne ſount mie.

2. Et ſi touz les chiefs plegges ſoient venuz come venir deivent & queux nemye.

3. Et ſi touz de xii. annz ſoient en laſſiſe noſtre Seignur le Roi & queux ne ſount mie & qi les receite.

4. Et ſil neit nul des villeins le Seignur futif aillours menaunt qen le demeigne le Roi.

5. De ceux qi ſount en les demeignes le Roi & nount mye demurre un an & un jour.

6. Des cuſtumes & des ſervices duez au ceſte Courte ſuſtretes comment & per qi & en temps de quel baillif.

7. De purpreſtures faites en terres & en ewes a nuſance.

8. Des mures maiſons haez foſſes levez ou abatuz a nuſance.

9. Des boundes tretz & emportez.

10. Des voies & des Sentes eſtopez ou amenuſez.

11. Des ewes deſtournez ou amenuſez hors de lour droit cours.

12. Des Bruſours des meſons & de lour receittours.

14. Des petitz Larouns come de howes galines & garbes.

15. Des Larons qi ſakent draps ou autres choſes parmi feneſtres on parraies.

16. De ceux qi vount en meſſage des larouns.

17. De huteis leve & nemie purſue.

18. De ſaunk eſpandu & plaie faite.

19. De eſchap de laroun & de feloun.

20. Des utlagez repeirez ſaunz garaunt.

21. De rape de femme qe neſt mye preſente devaunt Coroners.

22. De retoundours & de fauſours de la monoye.

23. De treſor trove.

24. De aſſiſe de pain & de ſervois enfreinte.

25. Des faux meſures come des buſſel galouns verges aunes.

26. De

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26. De faux balaunces & de faux pois.
27. De ceux qi ount double meſure & achatent per le greindour & vendent per le meindre.
28. De ceux qi aſſiduelment hauntent les tavernes & homme ne ſoit dount ils vivent.
29. De ceux qi dorment les jours & veillent les nuiz & mangent bien & beivent bien & nount nul bien.
30. Des dobbours des draps & des curreours des quirs aillours qen ville marchaunde.
31. De ceux qi fuent a legliſes & per eux ſen vount ſaunz faire qappent Sil ny eit nulle femme putiene per quoi le Seignur purra perdre.
32. Et des gentz empriſonez & puis leſſez ſaunz garant.
33. De ceux qi prenent columbes en iveer per laces ou per autre engine.
34. De touz ceux nous faites aſſavoir per le ſerement qe vous nous avez fait.

'26. Of falſe Balances and Weights.
'27. Of ſuch as have double Meaſure, and buy by the great, and ſell by the leſs.
'28. Of ſuch as continually haunt Taverns, and no Man knoweth whereon they do live.
'29. Of ſuch as ſleep by Day and watch by Night, and eat and drink well, and have nothing.
'30. Of Cloth-ſellers and Curriers of Leather dwelling out of Merchant Towns.
'31. Of ſuch as flie into Church or Church-yard, and after depart without doing that which belongeth thereunto.
'32. Of Perſons impriſoned, and after let go without Mainprize.
'33. Of ſuch as take Doves in Winter by Doorfalls or Engines.
'34. And of all theſe Things you ſhall do us to wit, by the Oath you have taken.'

The Statute of Priſes made *Anno* 28 *Ed.* 1. is here omitted, for that it is Word for Word contained in the ſecond Chapter of *Articuli ſuper Chartas*. Vet. Magn. Chart. 90. 2 Inſt. 606.

1 Roll 201. Raſt. 390, 425. 8 Co. 38, 41. 45 Ed. 3. f. 8. 38 H. 6. f. 7. 3 H. 7. f. 4. 21 H. 7. f. 40. Fitz. Avowry, 105, 112, 155, 161, 194, 211, 212. Fitz. Barr. 271. Bro. Leet, 35, 36, 37, 38, 39.

Certain Statutes made during the Reigns of King HENRY III. *King* EDW. I. *or King* EDW. II. *but uncertain when, or in which of their Times.*

Articles againſt the King's Prohibitions [a].

In what Caſes the King's Prohibition ſhall lie, and in what not.

'UNDER what Form ſhall Lay-men purchaſe Prohibitions generally upon Tithes, Oblations, Obventions, redeeming of Penances, Mortuaries, violent Hands laying on a Clerk or Lay-brother, and in Caſes of Defamation, in which Caſes Spiritual Penance muſt be enjoined? The King anſwered to theſe Articles, That in Tithes, Oblations, Obventions, and Mortuaries, when they be pleaded as before is ſaid, the King's Prohibition doth not lie.

'II. And if a Clerk or a Perſon Religious do ſell his Corn being in his Barn, or other where, to any Man for Money, if the Price thereof be demanded before a Spiritual Judge, the King's Prohibition doth lie; for by the Sale the Spiritual are become Temporal, and ſo Tithes paſs into Chattles.

'III. And if Debate hang in a Spiritual Court for the Right of Tithes, having his Original from the Right of the Patronage, and the Quantity of the ſame Tithes do paſs the fourth Part of the Value of the Benefice, a Prohibition ſhall lie.

'IV. Alſo if a Prelate enjoin Penance pecuniary to any Man for his Sin, if the Money be demanded before Prelates, a Prohibition ſhall lie.

'V. And if any lay violent Hands on a Clerk or Lay-brother, for the Peace broken, Amends ſhall be made before the King, and for the Excommunication before a Biſhop or Prelate.

'VI. And if a corporal Penance be enjoined, which the Offender will redeem by giving Money to the Prelate, or to the Party grieved, a Prohibition ſhall not lie.

'VII. In Cauſes of Defamation, Prelates may freely correct, the King's Prohibition notwithſtanding, firſt enjoining a corporal Penance, which if the Party will redeem, the Prelate may lawfully receive the Money, though the Prohibition be ſhewed.

9 Ed. 2. ſtat. 1. c. 1. *See farther* 50 *Ed.* 3. *c.* 4. *and* 2 *H.* 5. *ſtat.* 1. *c.* 3.

[a] This is a Tranſlation of the latter Part of the Statute, *Circumſpecte agatis*. See before.

An Ordinance for Bakers, Brewers, *and for other* Victuallers; *and for* Ells, Buſhels, *and* Foreſtallers [a].

CAP. I.

Upon what only Cauſe Aſſiſe of Bread ſhall be changed.

'THE Aſſiſe of Bread ſhall be kept according as it is contained in the Writing of the Marſhalſey of our Lord the King delivered unto them after the Sale of Wheat, that is to wit, the better, the worſe, and the worſt. And as well Waſtel Bread, as other of what Sort ſoever they be, ſhall be weighed according as it is ſaid of the Sale of the meaner Wheat: Neither ſhall the Aſſiſe or Weight of Wheat be changed more than Six Pence increaſing or decreaſing, as it is in the Sale of the Quarter.'

E perantiquo MS.

ASSISA panis ſecundum quod continetur in ſcripto Mareſcalcie Domini Regis teneatur ſecundum venditionem frumenti ſcilicet melioris ſecundi & tertii Et tam waſtelli quem alii panes ponderent cujuſcunque generis ſunt ſicut dictum eſt ſupra in venditione frumenti & tunc non mutetur aſſiſa ſive pondus niſi per ſex denarios creſcentes vel decreſcentes in quarterio frumenti.

CAP. II.

For what Offence a Baker ſhall be amerced, and for what ſet on the Pillory.

'A Baker, if his Bread be founden a Farthing Weight lacking in Two Shillings Six Pence, or under, ſhall be amerced; and if it paſs the ſame Number, he ſhall ſuffer Puniſhment of the Pillory, which ſhall not be remitted to the Offender either for Gold or Silver. And every Baker ſhall have a Mark of his own for his Bread.'

PIſtor ſi inveniatur panis ſuus de quadrante in defectu ponderis ii s. vi d. aut infra amercietur Et ſi numerum illum excedat ſubeat judicium pillorie & non remittetur judicium delinquenti pro auro neque pro argento Et quilibet piſtor habeat proprium ſignum ſuper quodlibet genus panum ſuorum.

CAP. III.

Every Pillory ſhall be of convenient Strength.

Regiſt. orig. 109.

'EVery Pillory or Stretch-neck muſt be made of convenient Strength, ſo that Execution may be done upon Offenders without Peril of their Bodies.'

PIlloria ſive colliſtrigium & tumberellum continue habeantur debite fortitudinis ita quod delinquentes exequi poſſint judicium ſine corporum periculo.

CAP. IV.

How Toll at a Mill ſhall be taken.

'THE Toll of a Mill ſhall be taken according to the Cuſtom of the Land, and according to the Strength of the Water-courſe, either to the twentieth or four and twentieth Corn. And the Meaſure whereby the Toll muſt be taken ſhall be agreeable to the King's Meaſure, and Toll ſhall be taken by the Raſe, and not by the Heap or Cantel. And in caſe that the Fermors find the Millers their Neceſſaries, they ſhall take nothing beſides their due Toll; and if they do otherwiſe, they ſhall be grievouſly puniſhed.'

TOlnetum ad molendinum ſecundum communem conſuetudinem regni & ſecundum fortitudinem curſus aque capiatur vel ad viceſimum granum vel ad viceſimum quarterium grani. Et menſura per quam tolnetum debet capi ſit concordans menſure Domini Regis & capiatur tolnetum per raſum & nichil cum cumulo ſeu cantello Et ſi furnarii inveniant molendinariis neceſſaria ſua nichil capiatur preter debitum tolnetum Et ſi aliter fecerint graviter puniantur.

CAP. V.

Enforced by 4 Ed. 3. c. 12.

Repealed by 21 Jac. 1. c. 28.

"THE Aſſiſe of Wine ſhall be kept, that is a Sextertium at twelve Pence; and if the Taverners exceed the ſame Aſſiſe, their Doors ſhall be ſhut up, and they ſhall not be permitted to ſell Wine till they have obtained the King's Licence."

ASSISA vini ſecundum aſſiſam Domini Regis obſervetur ſcilicet ſextertium ad xii. d. Et ſi tabernarii exceſſerint per majorem & ballivos hoſtia claudantur & non permittantur vinum vendere donec a Domino Rege licentiam obtinuerint.

[a] This is in the *Secunda pars veterum ſtatutorum*, and in all the Engliſh Editions.

CAP.

CAP. VI.

The Aſſiſe of Ale ſhall be according to the Price of Corn.

E perantiquo MS.

ASSISA cerviſie ſecundum venditionem bladi ſtatuatur proclametur & obſervetur Et braciatrix non accreſcat quadrantam in galone niſi pro xii. denarios creſcentibus in quarterio braſei nec minuet quadrantem in galone niſi pro xii. denariis decreſcentibus in quarterio braſei Et que aſſiſam cerviſie fregerint primo ſecundo & tertio amercienter quarto ſine redemptione habeant judicium tomberelli.

'THE Aſſiſe of Ale ſhall be aſſeſſed, proclaimed, and kept according to the Price of the Corn whereof the Malt is made. And the Brewer ſhall not increaſe more in a Gallon, but according to the Rate of Six Pence riſing in a Quarter of Malt. And if he break the Aſſiſe, the firſt, ſecond, and third Time, he ſhall be amerced; but the fourth Time he ſhall ſuffer Judgment of the Pillory without Redemption.'

23 H. 8. c. 4. The Puniſhment of Brewers offending.

CAP. VII.

The Puniſhment of a Butcher ſelling unwholeſome Fleſh.

CArnifex qui vendit carnes porcinas ſuperſennatas vel carnes *mortuas* de morina poſtquam primo convictus fuerit graviter amercietur ſecundo convictus patiatur judicium pillorie tertio incarceretur & redimatur quarto abjuret villam & hoc idem fiat de cocis tranſgredientibus.

'A Butcher that ſelleth Swines Fleſh meazled, or Fleſh dead of the Murrain, after he ſhall be convict thereof, for the firſt Time he ſhall be grievouſly amerced, the ſecond Time he ſhall ſuffer Judgment of the Pillory, and the third Time he ſhall be impriſoned and make Fine, and the fourth Time he ſhall forſwear the Town. And in this Manner ſhall it be done † of all that offend in like Caſe.'

† Of Cooks offending.

CAP. VIII.

Buſhels, Gallons, and Ells ſhall be ſigned with the King's Seal, and he that buyeth or ſelleth with other ſhall be amerced.

STandardum buſſelli galonis & ulne ſigillo Domini Regis ferreo ſignentur diligenter & ſalvo cuſtodiantur ſub pena centum librarum Et nulla menſura ſit in villa niſi menſure Domini Regis concordat ſignoque communitatis ville ſit ſignata. Siquis emat vel vendat per menſuram non ſignatam & per majorem & ballivos non examinatam graviter amercietur & omnes menſure ville majores vel minores bis in anno videantur & diligenter examinentur. Si quis autem convictus fuerit cum duplici menſura majore ſcilicet ad emendum & minore ad vendendum tanquam falſarius incarceretur & graviter puniatur.

'THE Standard of Buſhels, Gallons, and Ells, ſhall be ſealed with an Iron Seal of our Lord the King, and ſafe kept, under the Pain of a Hundred Pound. And no Meaſure ſhall be in any Town unleſs it do agree with the King's Meaſure, and marked with the Seal of the Shire Town. If any do ſell or buy by Meaſures unſealed, and not examined by the Mayor or Bailiffs, he ſhall be grievouſly amerced. And all the Meaſures of every Town, both great and ſmall, ſhall be viewed and examined twice in the Year. If any be convict for a double Meaſure, that is to wit, a greater for to buy with, and a ſmall to ſell with, he ſhall be impriſoned for his Falſhood, and ſhall be grievouſly puniſhed.'

Enforced and amended by 7 H. 7. c. 4.

11 H. 7. c. 4. 12 H. 7. c. 5. *See farther* 13 *Eliz.* c. 11. 22 *Car.* 2. *c.* 8. 22 & 23 *Car.* 2. *c.* 12. 1 *Ann. ſtat.* 1. *c.* 15.

CAP. IX.

The Buſhel Standard, and Ells, ſhall be kept by Mayors, Bailiffs, &c. No Grain ſhall be ſold by the Heap or Cantle, but Oats, Malt, and Meal.

STandardum buſſelli galonis & ulne & ſigna quibus menſure ſunt ſignande ſint ſub cuſtodia majoris & ballivorum & ſex legalium de villa juratorum coram quibus omnes menſure ſignentur. Nullum genus bladi vendatur per cumulum ſeu cantellum preter avenam braſeum ſeu farinam.

'THE Standard Buſhels and Ells, ſhall be in the Cuſtody of the Mayor and Bailiffs, and of ſix lawful Perſons of the ſame Town being ſworn, before whom all Meaſures ſhall be ſealed. No Manner of Grain ſhall be ſold by the Heap or Cantle, except it be Oats, Malt, and Meal.'

CAP. X.

No Foreſtaller ſhall be ſuffered to dwell in any Town.

‘ BUT eſpecially be it commanded on the Behalf ‘ of our Lord the King, that no Foreſtaller be ‘ ſuffered to dwell in any Town, which is an open ‘ Oppreſſor of poor People, and of all the Common- ‘ alty, and an Enemy of the whole Shire and Country, ‘ which for Greedineſs of his private Gain doth pre- ‘ vent others in buying Grain, Fiſh, Herring, or any ‘ other Thing to be ſold coming by Land or Water, ‘ oppreſſing the Poor, and deceiving the Rich, which ‘ carrieth away ſuch Things, intending to ſell them ‘ more dear; the which come to Merchants Stran- ‘ gers that bring Merchandiſe, offering them to buy, ‘ and informing them that their Goods might be dear- ‘ er ſold than they intended to ſell, and an whole ‘ Town or a Country is deceived by ſuch Craft and ‘ Subtilty. He that is convict thereof, the firſt Time ‘ ſhall be amerced, and ſhall loſe the Thing ſo bought, ‘ and that according to the Cuſtom and Ordinance of ‘ the Town; he that is convict the ſecond Time ‘ ſhall have Judgement of the Pillory; at the third ‘ Time he ſhall be impriſoned and make Fine; the ‘ fourth Time he ſhall abjure the Town. And this ‘ Judgement ſhall be given upon all Manner of Fore- *See farther Index, tit. Foreſtallers.* ‘ ſtallers, and likewiſe upon them that have given ‘ them Counſel, Help, or Favour.’

E perantiquo MS.

PRecipue ex parte Domini Regis precipiatur quod nullus foreſtallarius patiatur in villa commorari qui pauperum eſt depreſſor manifeſte & totius communitatis & patrie publicus inimicus qui bladum piſces allec vel res quaſcunque venales per terram vel per aquam venientes obviando pre ceteris feſtinant lucrum ſitientes vitioſum pauperes oprimentes & divitiores decipientes qui ſic minus juſte illo qui eas portaverat multo carius vendere machinant qui mercatores extraneos cum rebus venalibus venientes circumeunt offerentes ſe venditioni rerum ſuarum & ſuggerentes eis quod bona ſua carius vendere poterunt quam vendere proponebant & ſic arte vel ingenio villam ſeducunt & patriam Unde primo convictus graviter amercietur Secundo convictus patiatur judicium pillorie Tertio incarceretur & redimatur Quarto abjuret villam Et hoc idem fiat de foreſtallariis univerſis & ſimiliter de hiis qui conſilium auxilium vel favorem preſtaverint.

* Forte avene. Si quis autem preſumat vendere farinam * ante ſophiſticatam vel aliquo alio modo fallacem primo graviter puniatur Secundo convictus amittat totam farinam Tertio ſubeat judicium pillorie Quarto abjuret villam.

Omnia predicta ſtatuta firmiter ex parte Regis obſerventur ita quod ſi aliquis major vel minor contra predicta ſtatuta verbo conſilio auxilio vel favore in aliquo venire preſumpſerit tanquam mandatorum Domini Regis contemptor capiatur & impriſonetur nec a priſona deliberetur donec per mandatum Domini Regis & ejus breve expreſſum deliberetur Et iſtud ſtatutum tradatur majori & ballivis & ſex legalibus de villa juratis unacum ſtandardis buſſellis ulnis & petris Et cum neceſſe fuerit per illud poſſint certiorari.

Statutum quod vocatur de Ragman de Juſtitiariis aſſignatis. See Appendix.

Conſuetudines et Aſſiſa de Foreſta ſive Articuli de Attachiamentis Foreſte. See Appendix.

Statutum Armorum ad Torniamenta. See Appendix.

Statutum de viſuterre, et eſſonio de ſervitio Domini Regis. See Appendix.

Statutum de Juſticiariis Aſſignatis. See Appendix.

Compoſitio

Compoſitio ulnarum et perticarum. See Appendix.

Statutum de brevi de inquiſitionibus concedendo de terris ad manum mortuam ponendis. Anno 20 EDW. I. *See Appendix.*

Statutum de Judeiſmo. See Appendix.

Statutum de Catall' Felonum. See Appendix.

Statutum pro tenentibus per legem Anglie. See Appendix.

Prohibitio formata de Statuto Articulorum Cleri. See Appendix.

Articuli et Sacramenta Miniſtrorum Regis in itinere Juſticiariorum. See Appendix.

De Magnis aſſiſis & duellis. See Appendix.

De dimiſſione [ſeu diviſione] denariorum. See Appendix.

NOVA STATUTA.

Anno primo EDWARDI III.

Statutes made at Weſtmiſter, *the Seventh of* March, *in the Firſt Year of the Reign of the Noble King* EDWARD *the Third, Stat.* 1. *in the Year of our Lord* 1327.

A Confirmation of the Baniſhment of *Hugh Spencer* the Father, and *Hugh Spencer* the Son. *See Appendix.*

CAP. I.

None ſhall be impeached which took Part with the King againſt his Father. *See Appendix.*

CAP.

CAP. II.

The Repeal of the Exile made void. *See Appendix.*

CAP. III.

The Executors of thoſe that were wrongfully ſlain ſhall have Action to recover their Teſtators Goods. All Aſſurances made to the Rebels by Dureſs ſhall be void. *See Appendix.*

CAP. IV.

Trial of an Averment in a Writ of falſe Judgement.

Dyer 262. 34 H. 6. f. 42. Fitz. Droit, 42. Fitz. Faux Judgment, 2, 13, 14, 19.

'ITEM, It is accorded, ordained, and eſtabliſhed in Amendment of the Law, That when a Record cometh into the King's Court by Writ of falſe Judgement, in caſe where the Party alledgeth that the Record is otherwiſe than the Court doth record the ſame, the Averment ſhall be received of the good Country, and of them which were preſent in the Court when the Record was made, if they do come with others of the Country by the Sheriffs Return; and if they come not, the Inqueſt ſhall be taken by the good Country.'

Regiſt. 15. Co. 305. 52 H. 3. c. 19.

Ex Rot. in Turr. Lond.

AUxint eſt accorde ordine & eſtabli en amendement de la lei qe countre record de Court le quel record vient en la Court le Roi par bref de faux juggement en cas ou la partie diſt qe le record eſt autre qe la Court ne recorde ſoit receu averement de bone pais & de ceux qe furent preſentz en la Court quant le record ſe fiſt ſi tieux veignent ove les autres du pais par return de viſc' & ſils ne veignent ſoit lenqueſte priſe par bone pays.

CAP. V.

An Averment may be made againſt falſe Returns of Bailiffs of Liberties.

13 Ed. 1. ſtat. 1. c. 39.

'ITEM, It is provided and eſtabliſhed, That from henceforth againſt the falſe Returns of Bailiffs of Franchiſes, which have full Return of Writs, a Man ſhall have Averment, and recover as well againſt them as againſt the King's Sheriff, as well of too little Iſſues returned as in other Caſes, ſo that it falleth not in Prejudice of the Lords, nor in the Blemiſh of their Franchiſe; and that the Eſtate of holy Church be always ſaved. And that all the Puniſhment fall only upon the Bailiffs, by Puniſhment of their Bodies, if they have not whereof to anſwer.'

AUxint eſt purveu & eſtabli qe deſore enavant countre faux return des bailliffs des fraunchiſes qe unt plein retourn des brefs eit homme averement & recoverer auxicome devers le viſc' le Roi auxibien de trop petit iſſues retournez come en autre cas iſſi qil ne chiete en prejudice des Seignours en emblemiſſement de lour fraunchiſes & qe leſtat de ſeinte Egliſe ſoit touz jours ſauve. Et qe tot le puniſſement foulement chiete ſur les baillifs par puniſſement de lour corps ſil neient de quoi reſpoundre.

CAP. VI.

An Attaint will lie as well upon the Principal, as upon the Damages.

3 Ed. 1. c. 38. 5 Ed. 3. c. 6 & 7. 28 Ed. 3. c. 8. 34 Ed. 3. c. 7. 9 R. 2. c. 3. *And ſee Index, tit.* Attaint.

'ITEM, It is provided, That for the great Miſchiefs, Damage, and Deſtruction that hath happened to divers Perſons, as well of holy Church, as of other, by the falſe Oaths of Jurors in Writs of Treſpaſs; from henceforth a Writ of Attaint ſhall be granted as well upon the Principal as upon the Damages in a Writ of Treſpaſs. And that the Chancellor which ſhall be for the Time ſhall have Power to grant ſuch Writs of Attaints, without ſpeaking therefore to the King. And in ſuch and all other Caſes of Attaints, the Juſtices ſhall not let to take the Attaints for the Damages not paid.'

PUrveu eſt enſement & eſtabli qe pur les grauntz meſchefs damages & deſtructions de divers perſons auxibien des gentz de ſeint Egliſe come dautres qe ſount avenuz par faux ſerment des jurours en brefs de treſpaſs qe deſore bref de atteint ſoit graunte auxibien ſur le principal come ſur les damages en brefs de Treſpaſs. Et qe le Chaunceller qi pur temps ſerra eit poair de graunter tiels brefs datteintes ſaunz parler au Roi. Et qe en tieu cas & en touz autres de atteinz les juſtices ne leſſent pas de prendre les atteinz pur les damages nient paiez.

CAP. VII.

Inquiry ſhall be made of Gaolers, which by Dureſs compel Priſoners to appeal.

22 & 23 Car. 2. c. 20. ſect. 13. *Felons and Priſoners for Debt are not to be lodged together.*

'ITEM, To eſchew the Damage and Deſtruction that often doth happen by Sheriffs, Gaolers, and Keepers of Priſons, within Franchiſe and without, which have pained their Priſoners, and by ſuch evil

ET qe pur eſchure malx damages & deſtructions qe ſount avenuz par viſc' gaolers gardeins des priſons deinz fraunchiſe & dehors qe unt peine priſons & par autre male vole deſtreint & procure adevenir

Ex Rot. in Turr. Lond.

adevenir appellours & appeller gents nient coupables pur aver raunceouns des tieux appellez pur ſeute de priſone ou par autre cauſe Juſtic' del un Baunk & del autre Juſticez aſſignez apprendre aſſiſes & gaoles delivrer enquergent par force de ceſte eſtatut des tieux deſtreſſes peines & procurementz & oient les pleintes de touz ceux qe pleindre ſe voudront en tieu cas par bille & oient & terminent tieux pleintes auxibien a ſuyte de partie come a la ſute le Roi.

'Means compel and procure them to become Appealers, and to appeal harmleſs and guiltleſs People, to the Intent to have Ranſom of ſuch appealed Perſons, for fear of Impriſonment or other Cauſe; the Juſtices of the one Bench and of the other, and Juſtices of Aſſiſe and Gaol-delivery, ſhall by Force of this Statute enquire of ſuch Compulſions, Puniſhments, and Procurements, and hear the Complaints of all them that will complain in ſuch Caſes by Bill, and ſhall hear and determine ſuch Plaints, as well at the Suit of the Party, as at the King's Suit.'

13 Ed. 1. ſtat. 1. c. 12. By 14 Ed. 3. ſtat. 1. c. 10. *it is Felony for Gaoler to cauſe Priſoner to become Approver.*

CAP. VIII.

How he ſhall be uſed that is taken for any Offence in the Foreſt. Bailment of him.

ET pur ceo qe pluſours gentz ſount deſheritez reintz & deſtruz par les ſovereins gardeins de foreſtes de cea Trente & de la & par les autres miniſtres encountre la fourme de la chartre de la Foreſte & encountre la declaration qe le Roi EDWARD fiuz le Roi HENRY fiſt en la fourme enſuiſt ceſt aſavoir Nous voillioms & grantoms pur nous & pur noz heirs qe des treſpas faites en noz foreſtes de vert & de veneſon qe le foreſters en qi baillifs tieux treſpas ſerrount faites preſentent meſmes les treſpas a proſchein Swainmot devant foreſters verders regardours & agiſtours & autres miniſtres de meſme la foreſte & ſur tieux preſentemenz devant les foreſters verders regardours agiſtours & autres miniſtres avantditz par ſerment auxibien des chivalers come dautres prodes homes & loiaux & nemy ſuſpecionous des parties veiſinales & plus proſcheins ou tieux treſpaſſez ſerrount iſſint preſentez & ou la verite purra meux & plus pleinement eſtre enquiſe & tiele verite iſſint enquiſſe ſoient tieles preſentementz par commun aſſent & acord de touz les miniſtres avauntditz ſolempnement efforces & de lour ſeals enſeales. Et ſi en altre maner ſoit nul enditement fait ſoit deſoremes pur nul tenu. Et pur ceo qe les Chiefs gardeins des foreſtes nont mye la dite fourme tenue jeſqes en cea acorde eſt ordene & eſtabli qe deſormes nul ne ſoit pris ne en priſone pur vert ne pur veneſon ſil ne ſoit trove en mienoure ou en la fourme avauntdite endite & adonqe luy leſſe le ſoverein gardein de la foreſte a meinpriſe jeſqes al Eire de foreſte ſaunz ren prendre pur la deliveraunce & ſi le dit gardein faire ne voille eit bref en la Chauncellerie qe auncienment fuſt ordene pur tieux enditez deſtre a meinpriſe jeſqes en eir. Et ſi le dit gardein apres le dit bref reſceu ne face tieux enditez ſaunz delai deliverer a meinpriſe ſaunz rien prendre donqes eit le pleintif bref en la Chauncellerie a viſcount datacher le dit gardein deſtre devaunt le Roi a certein jour a reſpondre pur quei il nad replevi celui qeſt enſi pris & le viſcount appellez les verders face deliverer celui qeſt pris par bone meinpriſe en la preſence des verders & le nouns des mainparnours face liverer a meſmes les verders a reſpoundre en eir devant

"ITEM, Whereas divers People be diſinherited, ranſomed, and undone, by the chief Keepers of the Foreſts on this ſide *Trent*, and beyond, and by other Miniſters, againſt the Form of the great Charter of the Foreſt, and againſt the Declaration made by King EDWARD, Son of King HENRY, in Form following: That is to ſay, We will and grant for us and our Heirs, that for any Treſpaſs done in our Foreſt of Vert and Veniſon, that the Foreſters in whoſe Bailiwick ſuch Treſpaſs ſhall be committed, ſhall preſent the ſame Treſpaſſes at the next *Swanimote* before the Foreſters, Verders, Regarders, Agiſters, and other Miniſters of the ſame Foreſt; and upon ſuch Preſentment made before the ſaid Foreſters, Verders, Regarders, and Agiſters, and other Miniſters aforeſaid, as well by the Oaths of Knights, as by other diſcreet and lawful Men, and not ſuſpicious, of the Parties adjoining or near, where ſuch Offences ſhall be ſo preſented, and where the Truth may beſt and moſt fully be enquired, and the Truth perfectly known, then ſuch Preſentments by the common Aſſent and Conſent of all the ſaid Miniſters ſhall be ſolemnly written, and with their Seals enſealed. And if any Indictment be in any other Manner made, the ſame ſhall be void. And therefore becauſe the chief Wardens of the Foreſts have not obſerved the ſame Form hitherto," 'it is agreed and ordained, That from henceforth no Man ſhall be taken nor impriſoned for Vert or Veniſon, unleſs he be taken with the Maner, or elſe indicted after the Form before ſpecified; and then the chief Warden of the Foreſt ſhall let him to Mainpriſe till the Eyre of the Foreſt, without any Thing taking for his Deliverance; and if the ſaid Warden will not ſo do, he ſhall have a Writ out of the Chancery, which hath been in old Time ordained for ſuch Perſons indicted, to be at Mainpriſe till the Eyre: And if ſuch Warden, after he hath received the Writ, do not incontinently deliver ſuch Perſons indicted to Mainpriſe, without taking any Thing, then the Plaintiff ſhall have a Writ out of the Chancery to the Sheriff, to attach the ſaid Warden to be before the King at a certain Day, to anſwer wherefore he hath not replevied him that is ſo taken; and the Sheriff (the Verders being called to him) ſhall deliver him that is ſo taken, by good Mainpriſe, in the Preſence of the Verders, and ſhall deliver the Names of the Mainpernors to the ſame Verders to anſwer in the Eyre before the Juſtices. And if the chief Warden be thereof attainted, the Plaintiffs ſhall have

9 H. 3. ſtat. 2. c. 10, 11, 16. 3 Ed. 1. c. 20.

Carthew 78.

A Remedy for the Priſoner, if the Warden of the Foreſt will not bail him.

By 7 R. 2. c. 4. *none ſhall be impriſoned by Officers of the Foreſt without Indictment.*

Regiſt. 80.

'their treble Damages awarded them, and the ſaid 'Warden ſhall be committed to Priſon, and ran-'ſomed at the King's Will. And from henceforth 'it ſhall be written to them as to the chief Wardens 'of the Foreſt, becauſe they may not be Juſtices, 'nor have any Record but in the Eyre. Dated at '*Weſtminſter* the Seventh Day of *March*, in the firſt 'Year of the Reign of the ſaid King EDWARD that 'now is.'

Ex Rot. in Turr. Lond.

juſtices. Et ſi le Chief gardein de ceo ſoit atteint ſoient agardez as pleintifs lour damages au treble & le dit gardein a la priſone & reint a la volunte le Roi. Et deſoremes ſoit eſcrit a eux come a les chiefs gardeins de la foreſte pur ceo qe Juſtices ne devient il eſtre ne record avoir forſqe en Eir. Don a Weſtm' le vii. jour de Marz lan du regne le dit Roi EDWARD qore eſt primer.

Other Statutes made at Weſtminſter the ſame firſt Year of EDW. III. *Stat.* 2. *and* Anno Dom. 1327.

"TO the Honour of GOD and of holy Church, "and to the Redreſs of the Oppreſſions of the "People, King EDWARD the Third, at his "Parliament holden at *Weſtminſter*, after the Purifi-"cation of our Lady, in the firſt Year of his Reign, "at the Requeſt of the Commonalty of his Realm, "by their Petition made before him and his Council "in the Parliament, by Aſſent of the Prelates, Earls, "Barons, and other great Men aſſembled at the ſaid "Parliament, hath granted for him and his Heirs for "ever theſe Articles underwritten."

Ex Rot. in Turr. Lond. *m.* 29.

AL honeur de Dieu & de ſeint Egliſe & en amendement des Oppreſſions du poeple le Roi EDWARD fiuz le Roi EDWARD filz au Roi EDWARD filz le Roi HENRI a ſon parlement qil tynt a Weſtmonſter apres la feſte de la Purificacion de noſtre Dame lan de ſon regne primer a la requeſte de la commune de ſon Roialme par lor petitions mys devant luy & ſon conſeil en le dit parlement par aſſent des Prelatz Countes Barons & autres grantz au dit parlement aſſemblez ad graunte pur luy & ſes heires a toutz jours les articles ſoutzeſcritz.

CAP. I.

A Confirmation of the Great Charter, and the Charter of the Foreſt. Perambulations of Foreſts.

'FIRST, That the great Charter of the Liberties, 'and the Charter of the Foreſt be obſerved and 'kept in every Article. And that the Perambulations 'of the Foreſt in Time of King EDWARD, Grand-'father to the King that now is, be from henceforth 'holden in the like Form as it was then riden and 'bounded; and thereupon a Charter to be made to 'every Shire where it was riden and bounded. And 'in ſuch Places where it was not bounded, the King 'will that it ſhall be bounded by good Men and lawful, 'and that a Charter be thereupon made as afore is ſaid.'

See 16 Car. 1. c. 16. *for aſcertaining the Bounds of Foreſts.*

EN primes qe la grande chatre des Fraunchiſes & la chatre de la Foreſte ſoient gardes en toutz les pointz. Et qe la puralee qe eſtoit chivauche en temps le Roi EDWARD ael le Roi qor eſt ſe tiegne en la forme qele eſtoit chivachee & bundee e qe ſur ceo ſoit chartre fait a cheſcun countee ou ele fuſt chivache. Et par la ou ele ne feuſt my chivachee le Roi voet qe ele ſoit chivauche par bons & loialx & qe chartre ſur ce ſoit faite come deſus eſt dit.

CAP. II.

How every Perſon may uſe his Woods within the Foreſt. Seiſing of Biſhops Temporalties.

'*ITEM*, Every Man that hath any Wood within 'the Foreſt may take Houſeboot and Heyboot in 'his ſaid Wood, without being attached for the ſame 'by any Miniſters of the Foreſt, ſo that he do the ſame 'by the View of the Foreſters.' "And becauſe be-"fore this Time, in the Time of King EDWARD, "Father to the King that now is, the King by evil "Counſellors cauſed to be ſeiſed into his Hands the "Temporalties of divers Biſhops, with all their Goods "and Chattles therein found, without any Cauſe, and "the ſame held in his Hands by a long Seaſon, and "continually thereof took the Profits, to the great "Damage of the ſame Biſhops, Waſtes and Deſtruc-"tions of all their Caſtles, Manors, Parks, and "Woods," 'the King will and granteth, That from 'henceforth it ſhall not be done.'

Enforced by 14 *Ed.* 3. *ſtat.* 4. c. 3. 25 Ed. 3. ſtat. 5. c. 6. *prohibits Purveyors from taking Timber in or about any Perſon's Houſe.*

ITEM qe cheſcun homme qe eit boys deinz foreſte poet prendre en ſon boys demeigne houſbote & heybote ſanz eſtre attache par miniſtres de la foreſte iſſint qils le face par veue de foreſters. Et pur ce qe avant ces houres en temps le Roi pier au Roi qore eſt le Roy par malveys conſeillers ſanz cauſe & areynement fiſt prendre en ſa meyn les temporalites des divers Eveſqes od toutz les beins & chateux en les dites temporalitees troveez & meſmes les temporalitees tynt en ſa meyn par long temps & priſt toutz les iſſues en meſmes le temps a grant damages des ditz Eveſqes vaſtz & deſtructions de lour chaſteux manoirs parks & boys le Roi graunt & voet qe deſoremes ne ſoit fait.

CAP.

CAP. III.

King EDWARD the Second's Pardon confirmed to the Jews and all others. EXP.

In Turr. Lond.

CAP. IV.

The King's Debts ſhall be ſtalled according to the Debtor's Eſtate. EXP.

CAP. V.

None ſhall be compelled to go to War out of the Shire where he dwelleth, but where Neceſſity requireth.

See 18 Ed. 3. *ſtat.* 2. *c.* 7. *when Soldiers Wages ſhall begin. Enforced by* 25 Ed. 3. ſtat. 5. c. 8. *Confirmed by* 4 H. 4. c. 13. *But ſee further* Index, tit. *Militia.*

CAP. VI.

How Aid granted to the King ſhall be taxed.

ET pur ceo qe la commune de poeple ad ſentu graunt e grevaunce de ceo qe quant ils granterent au Roi eyde de lour biens & certeins gentz ount eſte aſſignez de lour biens taxer et ceux taxours ount leve le taxe et de ceo renduz lor accounte a Leſchekier et les deneers paiez illoeqes certeins Juſtices ount eſte aſſignez apres denquere ſur lour faitz les queux Juſtices ount pris raunceons et fyns des taxours et autres par colour de lour commiſſions en grant oppreſſion et impoveriſſement de eux Le Roi voet qe deſore ſoient taxez ſolunc lanciene manere et ne mye autrement.

"ITEM, Becauſe the Commons have felt great "Grief, whereas they granted any Aid to the King "of their Goods, and certain were aſſigned to tax "their Goods, and the Taxers have levied the ſame "Tax, and yielded their Accompt for the ſame at the "Exchequer, and there paid the Money; Juſtices "have been aſſigned after to inquire of their Doings, "which Juſtices have taken Ranſoms and Fines of the "Taxers and other, by colour of their Commiſſions, "to the great Oppreſſion and Impoveriſhing of them;" 'the King will, That from henceforth they ſhall 'be taxed after the old Manner, and not otherwiſe.'

By 9 H. 4. *c.* 7. *none ſhall be twice charged for his Goods.*

CAP. VII.

Who ſhall pay the Wages to Conductors of Soldiers.

ENſement qe quant commiſſions ount eſte maundez as certeynes gentz des counteez darraier gentz darmes et de eux mener au Roi en Eſcoz en Gaſcoigne ou aillours a les couſtages des Countees le Roi nad my ordene avant ces houres des gages des ditz arraiours et meſnours ne des gentz darmes queles ils ount meſme par quoi la commune des Countees ad eſte grantement charge et enpoverie Le Roi voet qe mes ne ſoit fait.

"ITEM, Whereas Commiſſions have been awarded "to certain People of Shires to prepare Men of "Arms, and convey them to the King into *Scotland* or "*Gaſcoign*, or elſewhere, at the charge of the Shires; "the King hath not before this time given any "Wages to the ſaid Preparers and conveyors, nor "Soldiers whom they have brought, whereby the "Commons of the Counties have been at great Charge "and much impoveriſhed;" 'the King will that 'it ſhall be done ſo no more.'

See 18 Ed. 3. *ſtat.* 2. *c.* 7. *when Wages begin.*

CAP. VIII.

Nothing ſhall be taken for Beaupleader.

PUR ceo qe aſcuns du Roialme ſount grevement pleintz qils ſount grevez par viſcountes qe ſe ſount nomer approvours le Roi qi pernent deners de eux par extorſion pur ce qils ne deyvent eſtre acheſonez de bel pleder devant eux Le Roi voet qe leſtatut de Marleberge en cel poynt ſoit garde et tenutz.

"ITEM, Whereas ſome of the Realm have griev- "ouſly complained, that they be grieved by She- "riffs, naming themſelves the King's Approvers, "which take Money by Extortion for Beaupleader;" 'the King will, That the Statute of *Marlebridge* ſhall 'be obſerved and kept in this Point.'

52 H. 3. c. 18. 3 Ed. 1. c. 8.

CAP. IX.

A Confirmation of the Liberties of Cities and Boroughs.

Ex Rot. in Turr. Lond.

'ITEM, the King will, That Cities, Boroughs, 'and franchiſed Towns, ſhall enjoy their Fran- 'chiſes, Cuſtoms, and Uſages, as they ought and 'were wont to do.'

AUxint voet le Roi qe les citees burghs et villes de fraunchiſes eient leur franchiſes uſages et franches cuſtumes ſolonc ce qils deyvent avoir et ſoleyent.

CAP. X.

There ſhall be no more Grants of Corodies at the King's Requeſt by Biſhops, Abbots, &c.

"ITEM, Whereas Archbiſhops, Biſhops, Abbots, "Priors, Abbeſſes, and Prioreſſes have been before "this Time ſore grieved by the King's Requeſts and "his Progenitors, which have deſired them by great "Threats, for their Clerks and other Servants, for "great Penſions, Prebends, Churches and Corodies, "ſo that they might nothing give nor do to ſuch as "had done them Service, nor to their Friends, to "their great Charge and Damage;" 'the King 'granteth, That from henceforth he will no more Regiſt. 264. 'ſuch Things deſire, but where he ought.'

ET pur ce qe Erceveſqes Eveſqes Abbees Priours Dames de religion et autres ount eſte avant ces houres grandement greves par priers des Royes qe lor ont prie par grandes menaces pur lour Clerks et autres lor ſervantz pur groſſes empenſions provendes Egliſes et Corodies iſſint qils ne poeient rien doner ne faire a ceux qe lours avoient ſervi ne a lor amys a grant charge et damage de eux Le Roi ne voet deſore prier mes la ou il devera.

CAP. XI.

No Suit ſhall be made in the Spiritual Court againſt Indictors.

"ITEM, The Commons do grievouſly complain, "that when divers Perſons, as well Clerks as Lay "People, have been indicted before Sheriffs in their "Turns, and after by Inqueſts procured, be delivered "before the Juſtices; after their Deliverance they "do ſue in the Spiritual Court againſt ſuch Indictors, "ſurmiſing againſt them that they have defamed "them, to the great Damage of the Indictors, where- "fore many People of the Shire be in Fear to indict "ſuch Offenders;" 'the King will, That in 'ſuch Caſe every Man that feeleth himſelf grieved Regiſt. 39, 42. 'thereby, ſhall have a Prohibition formed in the Raſt. 487. 'Chancery upon his Caſe.'

AUxint pluſours gentz ſont grevement pleyntz qe quant diverſes gentz auxibien clerks come lays ount eſte enditez devant viſcontes en lour tours et puis par enqueſte procure ſont deliverez devant Juſtices et apres lor deliverance ſuient en court Creſtiene devers les enditours enſurmettaunt eux qe eux lor ount diffame a graunt damage des ditz enditours par quoi pluſours gentz des countees ſe doutent plus denditer les malveys Le Roi voet qe en tieux cas cheſcun qe ſe ſent greve eyt ſur ce prohibition en Chauncellerie fourme en ſon cas.

CAP. XII.

No Forfeiture, but a Fine ſhall be made for Alienation of Lands holden of the King.

2 Co. 81. Fitz. Quare impedit, 54. Bro. Alienat. 34. "ITEM, Whereas divers People of the Realm "complain themſelves to be grieved, becauſe that "Lands and Tenements which be holden of the King "in chief, and aliened without Licence, have been "ſeiſed heretofore into the King's Hands, and holden "as ſo feit;" 'the King ſhall not hold them as 'forfeit in ſuch Caſe, but will and grant from hence- 'forth of ſuch Lands and Tenements ſo aliened there 17 Ed. 2. ſtat. 1. c. 6. 'ſhall be reaſonable Fine taken in the Chancery by 'due proceſs.'

POR ceo qe pluſours gentz du roialme ſe pleynent eſtre grevez de ce qe terres et tenementz qe ſont tenutz en chief du Roi et alienez ſanz ſon conge ont eſte pris avant ces houres en la meyn le Roi et tenutz come forfaitz Le Roi ne les tient mye come forfaitz en tieux cas Mes voet et grant qe deſoremes des tieux terres et tenementz alienez ſoit renable fin pris en Chauncellerie par due proces.

CAP. XIII.

Purchaſing of Lands holden of the King as of ſome Honour.

28 H. 6. f. 11. 26 H. 8. f. 9. Bro. Alien. 34. Bro. Tenures. 61, 65, 94, 99, 100. "ITEM, Whereas divers have complained, that "they be grieved by Reaſon of purchaſing of Lands "and Tenements which have been holden of the "King's Progenitors that now is, as of Honours, and

ET auxint come pluſours gentz de people ſe pleynent eſtre grevez par reſon des purchatz des terres et tenementz qe ount eſte tenutz des auncеſtres le Roi qore eſt come des honurs et meſmes

Ex Rot. in Turr. Lond.

meſmes tieux tenementz ount eſte pris en la meyn le Roi auxint come ils euſſent eſte tenutz en chief du Roi come de ſa corone Le Roi voet qe mes ne ſoit homme encheſone pur nul tiel purchace.

" the ſame Lands and Tenements have been taken " into the King's Hands, as though they had been " holden in chief of the King, as of his Crown;" ' the King will, That from henceforth no Man ' be grieved by any ſuch Purchaſe.'

9 H. 3. ſtat. 1. c. 31. *Confirmed by* 1 Ed. 6. c. 4. *and made obſ. by* 12 Car. 2. c. 24.

CAP. XIV.

None ſhall commit Maintenance.

ITEM pur ceo qe le Roi deſire qe commun droit ſoit fait as toutz auxibien a povres come a riches il comaund & defend qe nul de ces conſeillors ne nul du ſon Hoſtel ne de ſes autres miniſtres ne nul grant de la terre par lui ne par autre par maundement des lettres nen autre manere ne nul autre de roialme petit ne graunte nenparnent de meyntener querels ne parties en pays en deſturbaunt la commune lei.

" ITEM, Becauſe the King deſireth that common " Right be adminiſtered to all Perſons, as well " Poor as Rich;" ' he commandeth and defendeth, ' That none of his Counſellors, nor of his Houſe, nor ' none other of his Miniſters, nor no great Man of ' the Realm by himſelf, nor by other, by ſending of ' Letters, nor otherwiſe, nor none other in this Land, ' great nor ſmall, ſhall take upon them to maintain ' Quarrels nor Parties in the Country, to the Let and ' Diſturbance of the Common Law.'

Fitz. Bar. 15. Raſt. 119, 427, &c. Regiſt. 182, 183. *See* 3 *Ed.* 1. *c.* 28. & 33. 13 *Ed.* 1. *ſtat.* 1. *c.* 49. 28 *againſt buying of*

Ed. 1. ſtat. 3. c. 11. 33 *Ed.* 1. *ſtat.* 3. *Enforced by* 4 Ed. 3. c. 11. 20 Ed. 3. c. 4. 1 *R.* 2. *c.* 4. 7 *R.* 2. *c.* 15. *and* 32 *H.* 8. *c.* 9. *Title, &c. which farther enforces the Statutes againſt Maintenance.*

CAP. XV.

None ſhall be bound by Writing to come armed to the King.

EXP.

CAP. XVI.

Who ſhall be aſſigned Juſtices and Keepers of the Peace.

ITEM pur la pees meultz garder & meyntener le Roi voet qen cheſcun Countee qe bones gentz & loialx queux ne ſont mye meyntenours de malveis baretz en pays ſoient aſſignez a la garde de la pees.

' ITEM, For the better keeping and Maintenance ' of the Peace, the King will, That in every Coun- ' ty good Men and lawful, which be no Maintainers ' of Evil, or Barretors in the Country, ſhall be aſſigned ' to keep the Peace.'

2 Inſt. 174, 558. *Enforced and amended by* 4 Ed. 3. c. 2. 18 Ed. 3. *ſtat.* 2. c. 2.

34 Ed. 3. c. 1. 12 *Rich.* 2. *c.* 10. 13 *Rich.* 2. *ſtat.* 1. c. 7. 2 *H.* 5. *ſtat.* 1. *c.* 4. 18 H. 6. c. 11. *See farther* Index, tit. *Juſtices of Peace.*

CAP. XVII.

Indictments in the Sheriffs Turn ſhall be by Roll indented.

ITEM le Roi comaunde qe les viſcontes & bailliſs des fraunchiſes & toutz autres qe parnent enditementz a lor tourns ou aillours ou enditementz ſerrount faitz preignent tieux enditementz par roule endente dount lune partie demoerge vers les enditours & lautre partie devers cely qi prendra lenqueſte iſſint qe les enditementz ne ſoient beſeleez come avant ces houres ount eſte & iſſint qe un de lenqueſte peut monſtrer lune partie de lendenture a la Juſtice quant il vendra pur la deliverance faire.

' ITEM, The King commandeth, That the Sheriffs ' and Bailiffs of Franchiſes, and all other that do ' take Indictments in their Turns, or elſewhere, where ' Indictments ought to be made, ſhall take ſuch In- ' dictment by Roll indented, whereof the one Part ' ſhall remain with the Indictors, and the other Part ' with him that taketh the Inqueſt; ſo that the ' Indictments ſhall not be embezilled as they have been ' in Times paſt, and ſo that one of the Inqueſt may ' ſhew the one Part of the Indenture to the Juſtices, ' when they come to make Deliverance.'

12 Co. 43. *See* 3 Bur. 1860.

Memorandum quod iſta duo ſtatuta precedentia miſſa fuerunt in Hiberniam in forma patenti cum quodam brevi inferius ſequenti [a].

13 Ed. 1. ſtat. 1. *c.* 13. 1 *Ed.* 2. *c.* 2. *directs Indictments taken in the Sheriffs Turns to be delivered to Juſtices of the Peace of the ſame County; and ſee farther* 11 *H.* 7. *c.* 15.

[a] *Note*; The Writ here ſpoken of is not to be found upon the Roll.

Statutes made at Northampton *in tribis ſeptimanis Paſchæ*, Anno 2 EDW. III. *and* Anno Dom. 1328.

"OUR Lord King EDWARD the Third after "the Conqueſt, at his Parliament holden at "*Northampton*, at the Three Weeks of *Eaſter*, "in the Second Year of his Reign, deſiring that the "Peace of his Land, and his Laws and Statutes or- "dained and uſed before this Time may be kept and "maintained in all Points to the Honour of GOD "and of Holy Church, and to the common Profit of "the People, by Aſſent of the Prelates, Earls, "Barons, and other great Men, and all the Com- "monalty ſummoned to the ſame Parliament, hath "ordained and eſtabliſhed in the ſaid Parliament theſe "Things underwritten, in Form following."

Ex Rot. in Turr. Lond. *m.* 28.

NOSTRE Seign' le Roi EDWARD le tierz apres le conqueſte a ſon parlement tenuz a Northampton as trois ſemeins de Paſch lan de ſon regne ſecund deſiraunt qe la pees de ſa terre & les leis & eſtatutz avant ces heures ordenez & uſez ſoient gardez et meintenuz en touz poyntz al honour de Dieu et de ſeinte egliſe et a commune profit du poeple par aſſent des Prelatz Countes et Barons & autres grantz et tote la communalte du Roialme au dit parlement ſomons ordene et eſtablit en meiſme le parlement les choſes ſoutheſcrites en la forme qe ſenſuit.

CAP. I.

A Confirmation of the Great Charter, and the Charter of the Foreſt.

'FIRST, That the Great Charter, and the Charter of the Foreſt, be obſerved in all Points.'

EN primes qe la Grante Chartre & la Chartre de la Foreſte ſoient tenuz en touz pointz.

CAP. II.

In what Caſes only Pardon of Felony ſhall be granted. Who ſhall be Juſtices of Aſſiſe, &c.

Chart. de Pard. Br. 10. 2 Salk. 492. 6 Ed. 1. ſtat. 1. c. 9. 27 Ed. 1. c. 4. *Confirmed by* 10 Ed. 3. *ſtat.* 1. c. 2. *Enforced by* 14 Ed. 3. ſtat. 1. c. 15. Regiſt. 309.

"ITEM, Whereas Offenders have been greatly en- "couraged, becauſe the Charters of pardon have "been ſo eaſily granted in times paſt, of Manſlaugh- "ters, Robberies, Felonies, and other Treſpaſſes "againſt the Peace;" 'it is ordained and enacted, 'That ſuch Charter ſhall not be granted, but only 'where the King may do it by his Oath, that is to 'ſay, where a Man ſlayeth another in his own De- 'fence, or by Misfortune. And alſo they have 'been encouraged, becauſe that the Juſtices of Gaol- 'delivery, and of *Oyer* and *Terminer*, have been pro- 'cured by great Men againſt the Form of the Statute 'made in the *xxvii Year of the Reign* of King ED- 'WARD, Grandfather to our Lord the King that now 'is, wherein is contained, that Juſtices aſſigned to 'take Aſſiſes, if they be Laymen, ſhall make Delive- 'rance; and if the one be a Clerk, and the other a 'Layman, that the Lay-judge, with another of the 'Country aſſociate to him, ſhall deliver the Gaols: 'Wherefore it is enacted, That ſuch Juſtices ſhall 'not be made againſt the Form of the ſaid Statute; 'and that the Aſſiſes, Attaints, and Certifications be 'taken before the Juſtices commonly aſſigned, which 'ſhould be good Men and lawful, having Knowledge 'of the Law, and none other, after the Form of ano- 'ther Statute made in the Time of the ſaid King ED- 'WARD the firſt. And that the *Oyers* and *Ter- 'miners* ſhall not be granted but before Juſtices of the 'one Bench or the other, or the Juſtices Errants, 'and that for great Hurt, or horrible Treſpaſſes, and 'of the King's ſpecial Grace, after the Form of the 'Statute thereof ordained in Time of the ſaid Grand- 'father, and none otherwiſe.'

Who ſhall be Juſtices of Aſſiſe and Gaol-Delivery. 13 Ed. 1. ſtat. 1. c. 30. 12 Ed. 2. ſtat. 1. c. 3, 4.

To whom Oyers and Terminers ſhall be granted, and for what cauſe. Regiſt. 124, 206. 13 Ed. 1. ſtat. 1. c. 29. *See farther* Index, tit. *Juſtices of Aſſiſe.*

ENſement pur ceo qe meffeſours ont eſte eſbauditz de ceo qe chartres de pardon ont eſte ſi legerment grantees avant ces heures des homicides roberies felonies & autres treſpas countre la pees acorde eſt & eſtabli qe tiels chartres ne ſoient mes grantees forſqen cas ou le Roi le poet faire par ſon ſerment ceſt aſſavoir en cas ou home tue autre ſoi defendant ou par infortune. Et auxint ont eſte eſbauditz de ceo qe Juſticeries as deliverances des gaoles procurez countre forme de leſtatut fait en temps le Roi EDWARD Ael noſtre Seignur le Roi qore eſt enquele eſt contenuz qe les Juſtices as aſſiſes prendre aſſignez ſils ſoient lais facent les deliverances et ſi lun ſoit clerc & lautre lais qe le dit lais aſſocie a lui un autre du pays facent la deliverance des gaols par quei acorde eſt eſtabli qe tiels Juſticeries ne ſoient mes grantes countre la forme du dit eſtatut & qe les aſſiſes atteintes & certificacions ſoient priſes devant les Juſtices communement aſſignez qe ſoient bones gentz & loialx & coniſſantz de la lei & nemie autres ſolonc la forme dun autre eſtatut fait en temps meiſme le Ael Et qe les oiers et terminers ne ſoient grantees forſque devant les Juſtices de lun Baunk & de lautre ou les juſtices errantz & ce pur led & orrible treſpas & de leſpeciale grace le Roi ſolonc forme de ſtatut de ce ordene en temps meiſme le Ael & nemie autrement.

CAP.

CAP. III.

No Man ſhall come before the Juſtices or go or ride armed.

Ex Rot. in Turr. Lond.

ENſement accorde eſt & eſtabli qe nul grant ne petit de quele condition qil ſoit ſauve les Serjantz le Roi en la preſence le Roi & les Miniſtres le Roi enfeſantz execution des mandementz le Roi ou de lour office & ceux qi ſont en lour compaignies eidantz as ditz miniſtres & auxint autri de fait darmes de pees & ce en lieux ou tielx faitz ſe ferront ſoit ſi hardi de venir devant les Juſtices le Roi ou autres Miniſtres le Roi enfeſant lour office a force & armes ne force meſner en affrai de la pees ne de chivaucher ne daler arme ne de nuit ne de jour en faires marchees nen preſence des Juſtices ne dautres Miniſtres ne nule part aillours ſur peins de perdre lour armures au Roi & de lour corps a la priſone a la volunte le Roi. Et qe Juſtices le Roi en lour preſences viſcountes & autres Miniſtres le Roi en lour bailles ſeignours des fraunchiſes et lour baillifs en yceles et Meire et Baillifs des Citees et Burgs deinz meiſmes les Citees & Burghs Burghaldres coneſtables et gardeins de la pees deinz lour gardes eient poair affaire execution de ceſt acorde. Et qe les Juſtices aſſignez a lour venu en pais eient poair denquere coment tielx Miniſtres et ſeignurs ont uſe lour office en ce et de punir ceux qils troveront qi nount mie fait ce qe a lour office appent.

‘ ITEM it is enacted, That no Man great nor ſmall, of what Condition ſoever he be, except the King's Servants in his Preſence, and his Miniſters in executing of the King's Precepts, or of their Office, and ſuch as be in their Company aſſiſting them, and alſo upon a cry made for Arms to keep the Peace, and the ſame in ſuch Places where ſuch Acts happen, be ſo hardy to come before the King's Juſtices, or other of the King's Miniſters doing their Office with Force and Arms, nor bring no Force in affray of the Peace, nor to go nor ride armed by Night nor by Day in Fairs, Markets, nor in the Preſence of the Juſtices or other Miniſters nor in no Part elſewhere, upon Pain to forfeit their Armour to the King, and their Bodies to Priſon at the King's Pleaſure. And that the King's Juſtices in their Preſence, Sheriffs, and other Miniſters in their Bailiwicks, Lords of Franchiſes, and their Bailiffs in the ſame, and Mayors and Bailiffs of Cities and Boroughs, within the ſame Cities and Boroughs, and Borough-holders, Conſtables and Wardens of the Peace within their Wards, ſhall have Power to execute this Act. And that the Juſtices aſſigned, at their coming down into the Country, ſhall have Power to enquire how ſuch Officers and Lords have exerciſed their Offices in this Caſe, and to puniſh them whom they find that have not done that which pertained to their Office.’

3 Inſt. 160. 5 Co. 71. 3 Mod. 117.

7 Ed. 1. ſtat. 1. *Enforced by* 7 R. 2. c. 13. 20 R. 2. c. 1.

CAP. IV.

A Confirmation of the Statute of *Lincoln*, concerning the Sufficiency of Sheriffs, &c.

ET pur ce qe la pees ne poet mie eſtre bien garde ſauntz bons miniſtres come viſcountes bailliffs & hundreders qi deivent faire execution auxibien des privetez le Roi come dautres choſes tochantes le Roi & ſon poeple acorde eſt & eſtabli qe leſtatut fait en temps le Roi EDWARD piere le Roi qore eſt a Nicole contenant qe viſcontes hundreders & baillifs ſoient des gentz eantz terres en meiſmes les countez ou baillies ſoit garde en touz pointz ſolonc la forme dycel & auxint qe les viſcountes & baillifs de fee facent garder meiſmes lour countez & baillies par gentz eantz terres en yceles.

“ ITEM, Becauſe the Peace cannot be well kept “ without good Miniſters, as Sheriffs, Bailiffs, and “ Hundreders, which ought to do Execution as well of “ the King's Privities as of other Things touching our “ Lord the King and his People;” ‘ it is ordained ‘ and eſtabliſhed, That the Statute made in the Time ‘ of King EDWARD, Father to the King that now is, ‘ at *Lincoln*, containing that Sheriffs, Hundreders, ‘ and Bailiffs ſhall be of ſuch People as have Lands in ‘ the ſame Shires or Bailiwicks, ſhall be obſerved in all ‘ Points after the Form thereof; and that Sheriffs ‘ and Bailiffs of Fee ſhall cauſe their Counties and ‘ Bailiwicks to be kept by ſuch as have Lands therein.’

9 Ed. 2. ſtat. 2. Stat. Lincoln. tit. *Sheriffs*.

See farther Index,

CAP. V.

The Manner how Writs ſhall be delivered to the Sheriff to be executed.

ENſement la ou ordeine eſt par ſtatut de Weſtmonſtre le ſecund qe ceux qe liverer volent lour briefs as viſcountes les liverent en plein counte ou en rerecounte & qe viſconte ou ſouthviſconte facent ſur ce bille acorde eſt & eſtabli qe a quele heure ou a queu lieu deinz le counte home livre a viſcountes ou a ſouthviſcontes briefs qils les reſcei-

“ ITEM, Where it was ordained by the Statute of “ *Weſtminſter* the Second, that they which will de- “ liver their Writs to the Sheriff, ſhall deliver them “ in the full County, or in the Rere County, and that “ the Sheriff or Under Sheriff ſhall thereupon make a “ Bill;” ‘ it is accorded and eſtabliſhed, That ‘ at what Time or Place in the County a Man doth ‘ deliver any Writ to the Sheriff or to the Under Sheriff, that they ſhall receive the ſame Writs, and

13 Ed. 1. ſtat. 2. c. 39.

‘ make

'make a Bill after the Form contained in the ſame Statute, without taking any thing therefore. And if they refuſe to make a Bill, others that be preſent ſhall ſet to their Seals; and if the Sheriff or Under Sheriff do not return the ſaid Writs, they ſhall be puniſhed after the Form contained in the ſame Statute. And alſo the Juſtices of Aſſiſes ſhall have Power to enquire thereof at every Man's Complaint, and to award Damages, as having reſpect to the Delay, and to the Loſs and Peril that might happen.'

Ex Rot. in Turr. Lond.

vent & facent bille en la forme contenue en le dit eſtatut & ce ſanz rien prendre. Et ſils refuſent de faire bille mettent autres lour ſealx qi ſerront preſentz & ſi le viſcounte ou le ſouthviſcounte ne retorne mie les briefs ſoient puniz ſolonc la forme contenue en le dit eſtatut. Et jademeins eient les Juſtices as aſſiſes prendre aſſignez poair denquer de ce a cheſcuny pleinte & de agarder damages eant regard au delai & a les pertes & perils qe purrount avenir.

CAP. VI.

Juſtices ſhall have Authority to puniſh Breakers of the Peace.

13 Ed. 1. ſtat. 2. c. 6.
1. *Ed.* 3. *ſtat.* 2. *c.* 16.
See farther Index, tit. *Juſtices of Peace.*

'ITEM, As to the keeping of the Peace in Time to come, it is ordained and enacted, That the Statutes made in Time paſt, with the Statute of *Wincheſter*, ſhall be obſerved and kept in every Point: And where it is contained in the End of the ſaid Statute of *Wincheſter*, that the Juſtices aſſigned ſhall have Power to enquire of Defaults, and to report to the King in his Parliament, * *and the King to remedy it*, which no Man hath yet ſeen, the ſame Juſtices ſhall have Power to puniſh the Diſobeyers and Reſiſters.'

* *Not in the Original.*

ET quant a la garde de la pees en temps avenir acorde eſt & eſtabli qe les eſtatutz faites en temps paſſez oveſqe leſtatut de Wynceſtre ſoient tenuz & gardez en touz pointz adjouſte au dit eſtatut de Wynceſtre la ou contenue eſt en la fin qe Juſtices aſſignez eient poair denquere des defautes & des reporter au Roi en parlement dont home nad pas veu iſſue qe les ditz Juſtices aſſignez eient poair de punir les deſobeiſſantz & contrevenantz.

CAP. VII.

EXP. Commiſſions ſhall be granted to certain Perſons to hear and determine Offences before committed, and to puniſh the Offenders.

CAP. VIII.

No Commandment under the King's Seal ſhall diſturb or delay Juſtice.

1 Roll. 156, 157. Regiſt. 186. 9 H 3. ſtat. 1. c. 29. *Enforced by* 5 Ed. 3. c. 9. 14 Ed. 3. ſtat. 1. c. 14. 25 *Ed.* 3.

'ITEM it is accorded and eſtabliſhed, That it ſhall not be commanded by the great Seal nor the little Seal to diſturb or delay common Right; and though ſuch Commandments do come, the Juſtices ſhall not therefore leave to do Right in any Point.'

ENſement acorde eſt & eſtabli qe mande ne ſoit par le grant ſeal ne par le petit ſeal a deſtourber ou delayer commune droit & meſqe tielx mandementz veignent qe pur tant les Juſtices ne ſurſeſſent pas de faire droit en nul point.

ſtat. 5. *c.* 4. 42 *Ed.* 3. *c.* 3. 11 R. 2. c. 10. *and* 16 *Car.* 1. *c.* 10. *which regulates the Privy Council, and takes away the Star Chamber.*

CAP. IX.

All Staples ſhall ceaſe, and all Merchants may come in and go out with their Merchandiſe.

9 H. 3. ſtat. 1. c. 39. *Enforced by* 9 Ed. 3. ſtat. 1. c. 1. 14 *Ed.* 3. *ſtat.* 2. *c.* 2. 25 Ed. 3. ſtat. 4. c. 2.

'ITEM it is enacted, That the Staples beyond the Sea and on this Side, ordained by Kings in Times paſt, and the Pains thereupon provided, ſhall ceaſe; and that all Merchant Strangers and privy may go and come with their Merchandiſes into *England*, after the Tenor of the Great Charter, and that Writs thereupon ſhall be ſent to all Sheriffs of *England*, and to Mayors and Bailiffs of good Towns, where Need ſhall require.'

ENſement eſt acorde & eſtabli qe les eſtaples par decea & par dela ordeinez par les Rois en temps paſſe & les peines ſur ce ordeinees ceſſent & qe touz marchantz aliens et privees peuſſent aler et venir od lour marchandiſes en Engleterre ſolonc la tenour de la Grante Chartre et qe ſur ceo briefs ſoient mandez a touz les viſcontes dEngleterre et as meires et baillifs des bones villes ou meſtier ſerra.

2 R. 2. ſtat. 1. c. 1. 11 R. 2. c. 7. *Altered by* 16 *R.* 2. *c.* 1. *which reſtrains Merchant Strangers from ſelling any Merchandize to one another by Retail, but Victuals. And ſee* 12 *H.* 7. *c.* 6. *concerning Merchant Adventurers.*

CAP.

CAP. X.

The King's Pardon of Fines forfeited.

EXP.

CAP. XI.

The common Bench ſhall not be removed without Warning by Adjournment.

Ex Rot. in Turr. Lond.

ET pur ce qe par remuement du commune Bank les plees bien ſovent ont demore ſaunz jour a grant damage et en peril de deſheritance des pluſeurs acorde eſt et eſtabli qe deſorenavant les Juſtices avant ce qe le Bank ſe remuera ſoient garniz par temps iſſint queux peuſſent ajorner les parties ſi par temps qeles ne perdent mie lour proces.

"ITEM, Whereas by removing of the common "Bench, the Pleas have oftentimes abiden with- "out Day, to the great Hurt and Peril of Diſheriſon "of Divers;" 'it is enacted, That from hence- 'forth the Juſtices before that the common Bench be 'removed, ſhall be warned by a Time, ſo that they 'may adjourn the Parties by ſuch Time that they 'ſhall not loſe their Proceſs.'

Dyer 225. Bro. Adjournment, 25, 26, 27. Raſt. 22.

CAP. XII.

Hundreds and Wapentakes ſhall be annexed to Counties, and not let to Ferm.

ET come touz les countez dEngleterre furent auncienement aſſis a certeine ferme et adonqes furent touz les hundredz et les wapentakes en les meins des viſcountes aportionez a cele ferme et puis furont approvours mandez en divers contez les queux encruſtrent les fermes daſcuns hundredz et wapentakes et puis les Rois en divers temps ont grantez as divers gentz parties des hundredz et wapentakes pur les auncienes fermes tantſoulement et jatardies les viſcountes ſont chargez entierment del encrees qe amount a grante ſumme a grant damage du poeple et deſheritance de viſcountes et de lour heirs acorde eſt et eſtabli qe des hundredz et wapentakes baillez a ferme par le Roi qore eſt ſoit il a terme de vie ou autrement qe auncienement furent annex as fermes des countez ou les viſcontes ſont chargez ſoient rejointz as countez et qe de temps paſſe eint les viſcountes ou lour heires alowance et qe deſore en avant teux wapentakes ne hundredz ne ſoient donez ne ſeverez des countez.

"ITEM, Whereas all the Counties in *England* were "in old Time aſſeſſed to a certain Ferm, and then "were all the Hundreds and Wapentakes in the She- "riffs Hands rated to this Ferm; and after were "Approvers ſent into divers Counties, which did in- "creaſe the Ferms of ſome Hundreds and Wapentakes; "and after, the Kings at divers Times have grant- "ed to many men Part of the ſame Hundreds and "Wapentakes for the old Ferms only; and now "late the Sheriffs be wholly charged of the Increaſe, "which amounteth to a great Sum, to the great Hurt "of the People, and Diſheriſon of the Sheriffs and "their Heirs:" 'It is ordained, That the Hun- 'dreds and Wapentakes let to Ferm by the King that 'now is, be it for Term of Life or otherwiſe, which 'were ſometimes annexed to the Ferms of the Coun- 'ties where the Sheriffs be charged, ſhall be joined 'again to the Counties; and that the Sheriffs and 'their Heirs have allowance for the Time that is paſt; 'and that from henceforth ſuch Hundreds and 'Wapentakes ſhall not be given nor ſerved from the 'Counties.'

Fitz. Petit. 1. Skinner 41.

CAP. XIII.

Proceſs of Treſpaſs committed in the Time of King EDWARD the Second.

EXP.

CAP. XIV.

The Meaſure and Aſſiſe of Clothes of Ray and of Colour.

ENſement eſt acorde et eſtabli par noſtre Seignur le Roi et ſon conſeil qe de la ſeint Michel proſchein avenir en avant touz les draps es lieux ou il ſerront mis a terre ſoient aunez par le auneour le Roi en preſence des meire et baillifs ou meire y eſt ou des baillifs ou meire ny eſt de meiſme les lieux ceſt aſſavoir la longure de cheſcun drap de raye par un cord de ſept aunes quatreſoitz meſure par le liſt et la lature de cheſcun drap de raye ſis quarters & demi meſure par laune et de draps de colour la longure ſoit meſure par le dos par un cord de ſis aunes et demy quatreſoitz meſure et le lature ſis quarters et demy meſure par laune ſanz deſoler les draps. Et qe meire et baillifs ou meire y eſt ou baillifs ou meire neſt pas des villes ou lieux ou les draps vendront ſoient preſtz a laſſai faire quele heure qils ſoient requis par launeour ſaunz rien prendre des marchauntz et qe touz les draps qe ſerront trovez de la dite aſſiſe ſoient merchez auxibien par meire et baillifs

31 & 32 Will. 3. c. 20. *takes away ulnage.*

Ex Rot. in Turr. Lond.

lifs ou meire y eſt ou par baillifs ou meire neſt pas come par launeour et les draps qe ne ſerront pas trovez de laſſiſe avantdite ſoient forfaitz au Roi et priſez a la verreie value en preſence des ditz meire et baillifs et demoergent devers launeour par endenture entre eux faite a reſpondre des ditz draps iſſint forfaitz au Roi et qe les ditz meire & baillifs les endentures iſſint faites de tieux draps forfaitz facent liverer cheſcun an a Leſcheqer a lendemeyn de Seint Michel pur charger le dit auneour et a meiſme le temps ſoit le dit auneour a Leſcheqer a reſpondre des dites forfaitures. Et eſt lentention noſtre dit Seignur le Roi et de ſon conſeil qe ceſt acord ſe tiegne des draps qe vendront en la terre apres la dite feſte de Seint Michel et qe ceſt acord ſoit publie et crie par tout le Roialme iſſint qe les marchauntz ne privez neſtraungez ſoient ſuppris par meiſme lacord.

Altered by 5 & 6 Ed. 6. c. 6. 4 & 5 P. & M. c. 5. 43 El. c. 10. 4 Jac. 1. c. 2.

CAP. XV.

No Perſon ſhall keep a Fair longer than he ought to do.

'ITEM it is eſtabliſhed, That it ſhall be commanded to all the Sheriffs of *England* and elſewhere, where Need ſhall require, to cry and publiſh within Liberties and without, that all the Lords which have Fairs, be it for yielding certain Ferm for the ſame to the King, or otherwiſe, ſhall hold the ſame for the Time that they ought to hold it, and no longer; that is to ſay, ſuch as have them by the King's Charter granted them, for the Time limited by the ſaid Charters; and alſo they that have them without Charter, for the Time that they ought to hold them of Right. And that every Lord at the Beginning of his Fair ſhall there do cry and publiſh how long the Fair ſhall endure, to the Intent that Merchants ſhall not be at the ſame Fairs over the Time ſo publiſhed, upon Pain to be grievouſly puniſhed towards the King. Nor the ſaid Lords ſhall not hold them over the due Time upon Pain to ſeiſe the Fairs into the King's Hands, there to remain till they have made a Fine to the King for the Offence, after it be duly found, that the Lords held the ſame Fairs longer than they ought, or that the Merchants have ſitten above the Time ſo cried and publiſhed.'

Enforced by 5 Ed. 3. c. 5.

ENſement eſt acorde et eſtabli qe maunde ſoit a touz les viſcountes dEngleterre et par aillours ou meſtier ſerra a crier et publier deinz fraunchiſes et dehors qe touz les Seignurs qe feires ount foit il pur certeine ferme ent rendant au Roi ou autrement les tiegnent pur le temps qils deveront et ne mie outre ceſt aſſavoir ceux qi les ount par chartres des Rois pur les temps a eux grauntez par les dites chartres et ceux qi les ount ſanz chartre pur temps queux ils les devent tenir de droit. Et qe cheſcun Seignur au comencement de ſa feire face crier et publier en ycele come longement ſa feire ſe tendra iſſint qe les marchantz ne ſeeſſent es dites feires outre les temps iſſint publiez ſur peine deſtre grevement puniz devers le Roi. Ne qe les ditz Seignurs outre le droitz temps les tiegnent ſur peine aprendre les feires en la meyn le Roi a demorer tanqils eient fait fin au Roi pur le treſpas apres ceo qe trove ſerra duement qe les Seignurs les ount tenuz plus longement qils deveront ou qe les marchauntz ount ſis outre le temps iſſint publiez et criez.

CAP. XVI.

Niſi Prius may be granted as well at the Tenants Suit as the Demandants.

"ITEM, Whereas in a Statute made at *York*, in the Time of the Father of our Lord the King that now is, it is contained that Inqueſts and Juries which be and ſhall be hereafter taken, requiring no great Examination, ſhall be taken before one Juſtice of the Place where the Plea is, adjoining to him one diſcreet Man of the Country, Knight or other, ſo that a certain Day be given in the Bench, and a certain Day and Place in the Country, in the Preſence of the Parties, if the Demandant pray the ſame; and alſo the Inqueſts and Juries in Plea of Land, which require great examination, ſhall be taken in the Country in the ſaid Form before two Juſtices of the Bench:" 'It is accorded and enacted, That all ſuch Inqueſts which are, or in Time to come ſhall be taken, in Plea of Land, ſhall be taken as well at the Requeſt of the Tenant as the Demandant; all other Proceſs according to the ſaid Statute in ſuch Caſe ſaved and kept.'

Before what Perſons Niſi Prius may be granted. *See* 14 Ed. 3. ſtat. 1. c. 16. *See farther* Index, tit. *Niſi Prius.*

ET come en un eſtatut fait a Everwyk en temps le piere noſtre Seignur le Roi qore eſt ſoit contenuz qe les enqueſtes & jurees qe ſont & ſerront aprendre qe ne ſont mie de grant examinement ſoient priſes devant un Juſtice de la place ou la plee eſt aſſocie a lui un prodhome du pais chivaler ou autre aſſint qe certein jour ſoit done en Bank & certein jour & lieu en pais en preſence de parties ſi le demandant le prie & auxint les enqueſtes & jurees en plee de terre qe demandent grant examinement ſoient priſes en pais en la forme ſuſdite devant deux Juſtices du Bank acorde eſt & eſtabli qe totes tiels enqueſtes qe ſont ou en temps avenir a prendre ſerront en plee de terre ſoient priſes auxibien a la priere le tenant come le demandant tout lautre proces acorde en le dit ſtatut en tieu cas ſauve & garde.

CAP.

CAP. XVII.

A Writ of Deceit ſhall be maintainable in Caſe of Garniſhment in Plea of Land.

Ex Rot. in Turr. Lond.

AUxint eſt acorde & eſtabli qe brief de Deceit ſoit meintenu & lieu tiegne auxibien en cas de garniſſement qe touche plee de terre ou tieu garniſſement eſt done come en cas de ſomons en plee de terre.

'ITEM it is enacted, That a Writ of Deceit ſhall be maintainable, and hold Place, as well in the Caſe of Garniſhment touching Plea of Land, where ſuch Garniſhment is given, as in caſe of Summons in Plea of Land. Dated at *Northampton*.'

REX vicecomiti Northamptonie ſalutem. Quoddam ſtatutum per nos et conſilium noſtrum in pleno parliamento noſtro apud Northampton convocato ad emendationem ſtatus populi regni noſtri editum ſigillo noſtro conſignatum tibi mitimus mandantes quod ſtatutum illud et omnes articulos in eo contentos in pleno comitatu tuo et in civitatibus burgis villis mercatoris et aliis locis in balliva tua ubi expedite videris tam infra libertates quam extra legi et publice proclamari et obſervari facias. T. R. apud Northampton xxii die Junii.

Eodem modo mandatum eſt ſingulis vicecomitibus per Angliam.

Memorandum quod iſtud ſtatutum miſſum fuit in Hiberniam in forma patenti cum quodam brevi inferius ſequenti.

Statutes made at Weſtminſter, 27 *Novemb'*, Anno 4 EDW. III. Anno Dom. 1330.

Ex Rot. in Turr. Lond. *m.* 27.

AU parlement ſomons a Weſtmonſtierle Lundy proſcheyn apres le feſte de Seinte Katerine lan du regne noſtre Seignur le Roi EDWARD tierz apres le conqueſt quart Si ſont les choſes ſoutzeſcriptez a la requeſte de la communalte aſſentuz & acordez par noſtre Seignur le Roi Prelatz Countes Barons & autres grantz de meſme le parlement les queux choſes noſtre Seignur le Roi voet qen touz les counteez de Engleterre ſoient mandez a publier & fermement garder.

"AT the Parliament ſummoned at *Weſtminſter* the *Monday* next after the Feaſt of St. *Katharine*, in the Fourth Year of the Reign of King EDWARD the Third after the Conqueſt, theſe Things underwritten, at the Requeſt of the Commons, be eſtabliſhed and enacted by our Lord the King, his Prelates, Earls, and Barons, and other of the ſame Parliament; which Things our Lord the King will to be publiſhed, and ſurely obſerved in all his Counties of *England*."

CAP. I.

A Confirmation of Statutes.

ADeprimes acorde eſt qe le Grande Chartre & la Chartre de la Foreſte & les eſtatuz faitz en temps des progenitours noſtre Seignur le Roi & auxint en ſon temps demeigne ſoient gardez & meyntenuz en touz points.

'FIRST it is accorded, That the Great Charter, and the Charter of the Foreſt, and all other Statutes made as well in the Time of the King's Progenitors, as in the King's Time that now is, be kept and maintained in all Points.'

CAP. II.

The Authority of Juſtices of Aſſiſe, Gaol-delivery, and of the Peace.

ENſement eſt acorde qe bones gentz & ſages autres qe des places ſi homes les puiſſe trover ſuffiſantz ſoient aſſignez en touz les countees dEngleterre a prendre les aſſiſes jureez & certifications & a deliverer les gaoles et qe les ditz Juſtices preignent les aſſiſes jureez et certifications et deliverent les gaoles au meyns troiz foitz par an et plus ſovent ſi meſtier ſerra. Et ſoient auxint aſſignez bones gentz et loialx en cheſcun countee a garder

'ITEM it is ordained, That good and diſcreet Perſons, other than of the Places, if they may be found ſufficient, ſhall be aſſigned in all the Shires of *England*, to take Aſſiſes, Juries, and Certifications, and to deliver the Gaols; and that the ſaid Juſtices ſhall take the Aſſiſes, Juries, and Certifications, and deliver the Gaols, at the leaſt three Times a Year, and more often, if need be. Alſo there ſhall be aſſigned good and lawful Men in every Coun-

4 Inſt. 168. *Enforced by* 20 Ed. 3. c. 6.

Ex Rot. in Turr. Lond.

1 Ed. 3. ſtat. 2. c. 16. *Enforced by* 18 Ed. 3. *ſtat.* 2. c. 2. 34 Ed. 3. c. 1. 13 R. 2. ſtat. 1. c. 7. See Index, tit. *Juſtices of Aſſiſe* and *Juſtices of Peace.*

'ty to keep the Peace. And at the Time of the 'Aſſignments, Mention ſhall be made that ſuch as 'ſhall be indicted or taken by the ſaid Keepers of the 'Peace, ſhall not be let to Mainpriſe by the Sheriffs, 'nor by none other Miniſters, if they be not main-'pernable by the Law; nor that ſuch as ſhall be 'indicted, ſhall not be delivered but at the common 'Law. And the Juſtices aſſigned to deliver the 'Gaols ſhall have Power to deliver the ſame Gaols of 'thoſe that ſhall be indicted before the Keepers of the 'Peace; and that the ſaid Keepers ſhall ſend their 'Indictments before the Juſtices, and they ſhall have 'Power to enquire of Sheriffs, Gaolers, and other, 'in whoſe Ward ſuch indicted Perſons ſhall be, if they 'make Deliverance, or let to Mainprize any ſo in-'dicted, which be not mainpernable, and to puniſh 'the ſaid Sheriffs, Gaolers, and others, if they do any 'Thing againſt this Act.'

la pees. Et ſoit fait mention es ditz aſſignementz qe ceux qi ſerront enditez ou pris par les ditz gardeins ne ſoient pas leſſez au meynpriſe pas les viſcountes ne par nul autre ſils ne ſoyent meynpernables par la lei ne qe tieux enditez ne ſoient deliverez forqe a la commune lei. Et eient les juſtices aſſignez a la deliverance des gaoles poair a deliverer les gaoles de ceux qi ſerront enditez devant les gardeins de la pees et qe les ditz gardeins mandent devant les ditz Juſtices lour enditementz et eient les ditz Juſtices poair denquere ſur viſcountes gaolers et autres en qi garde tieuz enditez ſerront ſils facent deliverance ou leſſent a meynpriſe nulles iſſint enditez qi n e ſont mie meynpernables et de punir les ditz viſcountes gaolers et autres ſils facent riens contre ceſt acord.

CAP. III.

Purveyors for the King, Queen, and their Children, and what they may do.

4 Bulſtr. 98.

ITEM pur ceo qe le poeple ad eſte moult greve de ceo qe les bleds feyn beſtaill & autre manere de vitailles & biens des gentz de meſme le poeple ont eſte pris einz ces houres auxibien par les parnours & purveours del Hoſtiel le Roi come par autres dont nul paiement ad eſte fait de ceo auxint qe les parveours & parnours des bledz par loſtiel le Roi la Reigne & de lour enfantz ont pris les bledz a meyndre value qils ont valuz & auxint ont pris xxv. quarters des bledz pur xx. quarters pur ceo qils ont meſure cheſcun buſhell a coumble & auxint les purveours & parnours de feyn & de litere pur meſmes les Hoſtiels ont fait einz ces houres lour gettez de feyn & de litere a lour voluntez aſſeant cheſcun gette a un maile par la ou le gette ad valu deux deners ou trois & auxint on aſſis les charettes de feyn & de litere a meyndre pris qeles ont valu Si eſt acord qe nul grant ne petit de quel eſtat ou condition qil ſoit forpris les parnours & purveours pur les Hoſtiels du Roi la Roigne ſa compaigne & de lour enfantz ne preigne bledz feyn littere beſtaill ne vitailles ne autres biens ne chateux de nully ne cariage face contre la volunte de ceux as queux tieux biens ou cariages ſerront et qe les parnours & purveours des bledz pur les ditz Hoſtiels les preignent par meſure raſe ſelonc ceo qe home uſe parmy le roialme et qe touz les bledz feyn littere beſtaill & totes autres vitailles & choſes quecunqes qe ſont aprendre pur meſmes les Hoſtiels ſoient deſore priſes a la verroie value par coneſtables & autres bones gentz des villes ou tieles priſes ſe ferrount ſanz ceo qe par manace ou dureſce ſoient le priſours chaces amettre autre pris qe lour ſerement ne voet et qe des totes choſes qe ſerront priſes pur meſmes les Hoſtiels du Roi la Roigne ſa compaigne et de lour enfantz paiement ſoit fait avant ceo qe le Roi paſſe hors de la verge.

Enforced by 25 Ed. 3. ſtat. 5. c. 1. 36 Ed. 3. c. 2. 12 Car. 2. c. 24. *takes away Purveyance.* *But ſee* 13 Car. 2. ſtat. 1. c. 8. 13 & 14 Car. 2. c. 20. *Theſe two laſt Statutes ſuſpend the* 12 Car. 2. *in favour of the King's royal Progreſſes, and of his Navy and Ordnance. See likewiſe the yearly Mutiny Acts.*

CAP. IV.

A Confirmation of the Statute 28 *Edw.* 1. *ſtat.* 3. *c.* 2. touching Purveyours.

32 Car. 2. c. 24. *takes away Purveyance. See References to foregoing Chapter.*

ET auxint eſt acorde qe le article contenu en un eſtatut fait en temps le Roi EDWARD Ael noſtre Seignur le Roi qore eſt ceſt aſſavoir lan de ſon regne vynt & oitiſme tochant tieles priſes ſoit garde & meyntenu en touz pointz la fourme de quel article ſenſuyt en les paroles ſoutzeſcriptes: [*Then follows the Statute* 28 Edw. 1. ſt. 3. c. 2. *to* ſect. 9.]

CAP. V.

EXP. The King's Pardon of certain Fines, and alſo of ſome Money granted to him.

CAP. VI.

The Statute made at *Carliſle, Anno* 35 *Edw.* 1. *Stat.* 1. touching Religious Perſons, confirmed.

'ITEM it is acorded, that the Statute late made 'and affirmed at *Carliſle*, that Religious Perſons 'ſhould make no Carriage beyond the Sea, ſhall be 'maintained, kept, and obſerved in all Points.'

ITEM eſt acorde qe leſtatut nadgairs fait et aferme a Kardoil ceſt aſſaver qe les religiouſes ne facent apport outre meer ſoit meyntenu garde et tenu en touz pointz.

CAP.

CAP. VII.

Executors ſhall have an Action of Treſpaſs for a Wrong done to their Teſtator.

Ex Rot. in Turr. Lond.

ITEM come avant ces houres executors nont pas eu action des treſpas faites as teſtatours come des biens et chateux des ditz teſtatours emportez en lour vie et iſſint tieux treſpas ont eſte depunitz tanqe encea ſi eſt acorde qe les executours en tieu cas eient action devers les treſpaſſours pur damage en tieu cas recoverer en manere come ceux qi executours ils ſount avereint ſils fuiſſent en vie.

" ITEM, Whereas in Times paſt, Executors have not had Actions for a Treſpaſs done to their Teſtators, as of the Goods and Chattels of the ſame Teſtators carried away in their Life, and ſo ſuch Treſpaſſes have hitherto remained unpuniſhed;" ' it is enacted, That the Executors in ſuch Caſes ſhall have an Action againſt the Treſpaſſers, and recover their Damages in like Manner as they, whoſe Executors they be, ſhould have had if they were in Life.'

Raſt. 640. 13 Ed. 1. ſtat. 1. c. 23. 1 Ventr. 187. 7 H. 4. f. 18. 11 H. 4. 3. Fitz. Bar. 217. Fitz. Execut. 52, 106. Cro. El. 377, 384. Latch. 167.

Savill 118, 133. 1 Leon. 193, 194. Regiſt. 98. 25 Ed. 3. ſtat. 5. c. 5. *extends the Remedy to Executors of Executors; and ſee farther* 21 H. 8. c. 4. *ſect.* 1. 43 *Eliz. c.* 8. *ſect.* 2. 30 *Car.* 2. *ſtat.* 1. *c.* 7. *ſect.* 2. *and* 4 & 5 *W. & M. c.* 24. *ſec.* 12.

CAP. VIII.

At all Paſſages Men ſhall pay no more for their Fare than they had wont to do.

Repealed by 21 Jac. 1. c. 28.

CAP. IX.

Sheriffs, Bailiffs of Hundreds, and Eſcheators, ſhall have ſufficient in the County.

ITEM eſt acorde qe nul viſcount baillif de hundred wapentak ne de fraunchiſe ne ſoutzeſchetours ne ſoit deſore ſil neit terre ſuffiſaument es lieus ou ils ſont miniſtres dont reſpoundre au Roi & au poeple en cas ſi home vodra pleindre devers eux come autrefoitz fut ordene au parlement de Nicole en temps le piere noſtre Seignur le Roi qore eſt ceſt aſſavoir lan de ſon regne noefiſme.

' ITEM it is accorded, That no Sheriff, Bailiff of Hundred, Wapentake, nor of Franchiſe, nor Under-Eſcheators, ſhall be from henceforth, except he have Lands ſufficient in the Place where they be Miniſters, whereof to anſwer the King and his People, in caſe that any Man complain againſt them, as it was ordained at another Time at the Parliament holden at *Lincoln*, in the Time of the King's Father that now is, that is to ſay, in the Ninth Year of his Reign.'

9 Ed. 2. ſtat. 2. 5 Ed. 3. c. 4. 13 & 14 Car. 2. c. 21. *who ſhall be Sheriffs, and of what Eſtate they ſhall be.*

CAP. X.

Sheriffs and Gaolers ſhall receive Offenders without taking any thing.

ITEM par la ou avant ces houres viſcountes & gaolers de gaoles nount pas volu receyvre les larons appellez enditez ou trovez ove meyn oevre pris & attachez par les coneſtables & villeez ſanz grevouſe fyns & raunceons aprendre de eux pur la receite par quei les ditz coneſtables & villeez ont eſte plus eſchuz aprendre les larouns & felons pur tieles outrageouſes charges & les larouns & felouns plus eſbaudiz a meffaire ſi eſt acorde qe les viſcountes & gaolers receyvent & ſalvement gardent en priſone deſore tieux larouns & felouns par le livere des d tz coneſtables & villeez ſanz riens prendre pur la receite. Et qe les Juſtices aſſignez a deliverer les gaoles eient poair doier les pleintes de ceux qi ſe vodront pleindre ſur les viſcountes & gaolers en tieu cas & outre a punir les viſcountes & gaolers ſils ſoient trovez coupables.

" ITEM, Whereas in Times paſt, Sheriffs and Gaolers of Gaols would not receive Thieves, Perſons appealed, indicted, or found with the Maner, taken and attached by the Conſtables and Townſhips, without taking great Fines and Ranſoms of them for their Receit, whereby the ſaid Conſtables and Townſhips have been unwilling to take Thieves and Felons, becauſe of ſuch extream Charges, and the Thieves and the Felons the more encouraged to offend;" ' it is enacted, That the Sheriffs and Gaolers ſhall receive and ſafely keep in Priſon from henceforth ſuch Thieves and Felons, by the Delivery of the Conſtables and Townſhips, without taking any thing for the Receit. And the Juſtices aſſigned to deliver the Gaol, ſhall have Power to hear their Complaints that will complain upon the Sheriffs and Gaolers in ſuch Caſe, and moreover to puniſh the Sheriffs and Gaolers if they be found guilty.'

CAP. XI.

Juſtices of Aſſiſes, &c. ſhall enquire of Maintainers, Conſpirators, and Champertors.

Ex Rot. in Turr. Lond.

"ITEM, Where in Times paſt divers People of "the Realm, as well great Men as other, have "made Alliances, Confederacies, and Conſpiracies, "to maintain Parties, Pleas, and Quarrels, whereby "divers have been wrongfully diſinherited, and ſome "ranſomed and deſtroyed, and ſome for fear to be "maimed and beaten, durſt not ſue for their Right, "nor complain, nor the Jurors of Inqueſts give their "Verdicts, to the great Hurt of the People, and "Slander of the Law, and common Right;" 'it is accorded, That the Juſtices of the one Bench and of the other, and the Juſtices of Aſſiſes, whenſoever they come to hold their Seſſions, or to take Inqueſts upon *Niſi prius*, ſhall enquire, hear, and determine, as well at the King's Suit, as at the Suit of the Party, of ſuch Maintainers, Bearers and Conſpirators, and alſo of them that commit Champerty, and of all other Things contained in the aforeſaid Article, as well as Juſtices in Eyre ſhould do if they were in the ſame County. And that which cannot be determined before the Juſtices of the one Bench or the other upon the *Niſi prius*, for Shortneſs of Time, ſhall be adjourned into the Place whereof they be Juſtices, and there be determined as Right and Reaſon ſhall require.'

3 *Ed.* 1. *c.* 28 & 33. 13 *Ed.* 1. *ſtat.* 1. *c.* 49. 28 Ed. 1. ſtat. 3. *c.* 11. 33 *Ed.* 1. *ſtat.* 3. 1 Ed. 3. ſtat. 2. c. 14. *Enforced by* 20. Ed. 3. c. 4. 1 R. 2. c. 4. 7 *R.* 2. *c.* 15. *And ſee* 32 *H.* 8. *c.* 9. *which farther enforces the Statutes againſt Maintenance.* Regiſt. 186. F. N. B. 115. H. Regiſt. 183. Raſt. 119.

ITEM pur ceo qe avant ces houres pluſours gentz du Roialme auxibien grantz come autres ount fait alliaunces confederacies & conſpiracies a meyntenir parties pleez & quereles par ount pluſours gentz ount eſte atort deſheritez & aſcuns rientz & deſtruz & aſcuns pur doute deſtre maheimez & batuz noſerent pas ſeuyr lour droit ne pleindre ne les jurours des enqueſtes lour verditz dire a grant damage du poeple & areriſſement de la lei & de commune droit ſi eſt acorde qe les Juſtices del un Baunk & del autre & les Juſtices as aſſiſes prendre aſſignez a totes les foitz qil vendront a faire lour ſeſſions ou a prendre enqueſtes ſur Niſi prius enquergent oient & terminent auxibien a la ſeute le Roi come a la ſeute de partie ſur tieux meyntenours emparnours & conſpiratours & auxint de champartours & des totes autres choſes contenuz en le dit article auxiavant come Juſtices de eyre ferroient ſils fuiſſent en meiſme le countee. Et ceo qe ne poet eſtre termine devant les Juſtices del un Baunk ou de lautre ſur le Niſi prius pur breſte de lour demoer en pais ſeit ajournee en les places dont ils ſont Juſtices & illoeqes terminee ſelonc droit & reſon.

CAP. XII.

Wines ſhall be aſſayed, and ſold at reaſonable Prices.

28 H. 8. c. 14. *for Prices of Wines.*

"ITEM, Becauſe there be more Taverners in the "Realm than were wont to be, ſelling as well corrupt Wines as wholeſome, and have ſold the Gallon "at ſuch Price as they themſelves would, becauſe "there was no puniſhment ordained for them, as hath "been for them that have ſold Bread and Ale, to the "great Hurt of the People;" 'it is accorded, That a Cry ſhall be made, that none be ſo hardy to ſell Wines but at a reaſonable Price, regarding the Price that is at the Ports from whence the Wines come, and the Expences, as in Carriage of the ſame from the ſaid Ports to the Places where they be ſold; and that Aſſay ſhall be made of ſuch Wines two Times every Year, once at *Eaſter*, and another Time at *Michaelmas*, and more often, if need be, by the Lords of the Towns and their Bailiffs, and alſo by the Mayor and Bailiffs of the ſame Towns; and all the Wines that ſhall be found corrupt, ſhall be poured out, and the Veſſels broken. And the Chancellor and Treaſurer, Juſtices of the one Bench and the other, and Juſtices of Aſſiſe, ſhall have Power to enquire upon the Mayors, Bailiffs, and Miniſters of Towns, if they do not according to this Statute; and beſides that, to puniſh as Reaſon ſhall require.'

Corrupt Wines ſhall be poured out, and the Veſſels broken. *See farther Proviſions in Index, tit.* Wine.

ITEM pur ceo qil y ſont pluſours taverners el Roialme qeſtre ne ſoleient vendantz vyns auxibien purrez come ſeyns & ont vendu le galon a tiel pris come ils meſmes ont volu pur ceo qe chaſtiement nad pas eſte ordene ſur eux come ſur eux qe ount venduz payn & cerveiſe a grant damage du poeple ſi eſt acorde qe crie ſe face qe nul ſoit ſi hardy de vendre vyns forque a reſonable feer eaunt regard au pris qeſt en les portz dont les vyns veignent & auxint as deſpenſes come en cariage a faire des ditz portz tanque as lieus ou ils ſont venduz & qe en cheſcune ville aſſai ſe face des vyns deux foitz par an un foitz a la Paſch & autre foitz a la Seint Michel & plus ſovent ſi meſtier ſoit par les Seignurs des villes & lour baillifs & auxint par les mairs & baillifs des meſmes les villes & touz les vyns qe ſerront trovez purrez ou corrumpuz ſoient enfouncez & oſtez de tut & les toneiles debruſez. Et eient les Chaunceller Treſorer Juſtices del un Baunk & del autre & Juſtices aſſignez as aſſiſes prendre poair denquere ſur mairs baillifs & miniſtres de villes ſils ne facent ceo qeſt acorde & outre a faire puniſſement ſolonc ceo qe reſon demand.

CAP.

CAP. XIII.

A Confirmation of the Statute of 2 EDWARD 3. *cap.* 2. touching granting of Pardons.

Ex Rot. in Turr. Lond.

ENſement pur ceo qe pluſours chartres ont eſte grauntes de pardons des felonies roberies & homicides contre la fourme de leſtatut nadgairs fait a Northampton contenant qe nul home navereit tieles chartres hors du parlement parount les meffeſours ont eſte plus eſbaudiz de meffaire ſi eſt acorde qe meſme leſtatut ſoit deſore garde & meyntenu en touz poihtz.

"ITEM, Becauſe divers Charters of Pardon have been granted of Felonies, Robberies, and Manſlaughters againſt the Form of the Statute lately made at *Northampton*, containing that no man ſhould have ſuch Charters out of the Parliament, whereby ſuch Miſdoers have been the more bold to offend;" 'it is enacted, That from henceforth the ſame Statute ſhall be kept and maintained in all Points.'

Br. Chart. 36 Pard. 10.

CAP. XIV.

A Parliament ſhall be holden once every Year.

ENſement eſt acorde qe Parlement ſoit tenu cheſcun an unefoitz ouplus ſi meſtier ſoit.

'ITEM it is accorded, That a Parliament ſhall be holden every Year once, and more often, if need be.'

Confirmed by 36 Ed. 3. c. 10.

Altered by 16 Car. 2. c. 1. *and* 6 W. & M. c. 2. *which direct triennial Parliaments; and further by* 1 Geo. 1. *ſtat.* 2. *c.* 38. *which directs ſeptennial Parliaments.*

CAP. XV.

Sheriffs ſhall let their Hundreds and Wapentakes for the old Ferm.

ITEM pur ceo qe les viſcountes ount avont ces houres leſſez les hundredz & wapentaks en lour baillies a ſi haute ferme qe les baillifs ne point cele ferme lever forſque par extorſion & dureſce faire au poeple ſi eſt acorde qe les viſcountes leſſent deſore les hundredz & wapentaks a launciene ferme & ne mye outre & qe les juſtices aſſignez eient poair denquere ſur les viſcountes & de punir ceux qils troveront fefauntz le contraire.

"ITEM, Becauſe Sheriffs have before this Time let Hundreds and Wapentakes in their Bailiwicks to ſo high Ferm, that the Bailiffs cannot levy the ſaid Ferm without doing Extortion and Dureſs to the People;" 'it is ordained, That the Sheriffs ſhall from henceforth let their Hundreds and Wapentakes for the old Ferm, and not above; and that the Juſtices aſſigned ſhall have Power to enquire of the ſaid Sheriffs, and puniſh them that ſhall be found offending againſt this Statute.'

Enforced by 14 Ed. 3. ſtat. 1. c. 9.

REX vicecomiti Ebor' ſalutem. Quedam per nos & conſilium noſtrum ad requiſitionem communitatis regni noſtri in parliamento noſtro apud Weſtm' die Lune proximo poſt feſtum ſancte Katerine proxime preteritum convocato concordata & ordinata tibi mittimus in forma patente mandantes quod in ſingulis locis in balliva tua tam infra libertates quam extra ubi expedire videris ea publice proclamari & firmiter teneri facias et hoc nullatenus omittas. T. R. apud Langele tertio die Februarii anno regni noſtri quinto.

Per ipſum Regem.

Eodem modo mandatum eſt ſingulis vicecomitibus per Angliam.

Memorandum quod iſtud ſtatutum miſſum fuit in Hiberniam in forma patenti cum quodam brevi inferius ſequenti.

By 4 H. 4. c. 5. *and* 23 H. 6. c. 9. *Sheriffs, &c. are prohibited from letting their Bailiwicks, Hundreds, Wapentakes, &c.*

Statutes made at Weſtminſter, *craſtino Michaelis*, Anno 5 EDW. III. *and* Anno Dom. 1331[a].

Ex Rot. in Turr. Lond. *m.* 26.

AU parlement ſomons a Weſtm' lendemeyn de Seint Michel lan du regne le Roi EDWARD tierz apres le conqueſt quint ſi ad noſtre Seignur le Roi par aſſent des Prelatz Countes Barons et autres grantz du Roialme illoeqes aſſemblez a loneur de Dieu et de ſeinte egliſe et a la requeſte de ſon poeple grante et eſtabli les choſes ſutheſcrites les queles il voet qe tenuz ſoient gardez et meyntenuz a touz jours.

"AT the Parliament holden at *Weſtminſter* the morrow after St. *Michael*, in the Fifth Year of the Reign of King EDWARD the Third after the Conqueſt, our Lord the King, by the Aſſent of the Prelates, Earls, Barons, and other great Men of the Realm there aſſembled, to the Honour of God and of holy Church, and at the Requeſt of his People, hath granted and eſtabliſhed theſe Things underwritten, which he will to be kept and maintained for ever."

[a] Statutum de Roberdeſmen.

CAP.

CAP. I.

The Great Charter and the Charter of the Foreſt confirmed.

Ex Rot. in Turr. Lond.

'FIrſt it is accorded and eſtabliſhed, That the Great Charter and the Charter of the Foreſt ſhall be kept and firmly maintained.'

EN primes ſi eſt acorde et eſtabli qe la Grande Chartre et la Chartre de la Foreſte ſoient tenuz gardez et fermement meyntenuz.

CAP. II.

Things purveyed for the King's Houſe ſhall be praiſed, and Tallies made thereof. Of what People Inqueſts in the Marſhal's Court ſhall be taken. Redreſſing of Error there.

4 Ed. 3. c. 3.

"ITEM, Where in the Statute made at *Weſtminſter*, at the Parliament there ſummoned after the Feaſt of Saint *Katherine*, in the Fourth Year of the Reign of the King that now is, amongſt other Things there enacted, It is contained, upon the Grievances which the Purveyors for the King's Houſe, the Queen's, and of their Children, did to the People in outrageous Meaſures of Corn, and voluntary taking of Hay, Litter, and other Things provided by the ſaid Purveyors, that the Takers and Purveyors of Corn for the ſaid Houſes ſhould take them by Meaſure ſtricken according as hath been uſed through the Realm; and that all the Corn, Hay, Litter, Beſtail, and all other Victuals and Things to be taken for the ſame Houſes, ſhould be praiſed at the true Value by the Conſtables and other good People of the Towns where ſuch Priſes be; and that the Praiſors be not enforced by Threats and Dureſs to aſſeſs any other Price than their Oath will. And in the ſame Statute is one Article rehearſed, which was made in the Time of King EDWARD, Grandfather to the King that now is, where certain Pains be limited againſt thoſe that late made Purveyance for the ſaid Houſes; which Pains not regarded, the ſaid Purveyors have not let to make outrageous and unlawful Priſes againſt the Tenor of the ſaid Statutes. To the Honour and Profit of our ſaid Lord the King, and for the Peace and Quietneſs of his People, and to refrain and Puniſh the Enormities of thoſe that have committed ſuch Outrages, to the King's, the Queen's, and their Childrens great Slander;"

28 Ed. 1. *ſtat.* 3. c. 2.

'it is accorded and enacted, That the Taking and Purveyance for the ſaid Houſes ſhall be *by Price* made by the Conſtables and four diſcreet Men of the Towns where ſhall be ſuch Priſes and Purveyances thereto ſworn, and without *Menace*, as in the ſaid Statutes is contained. And that alſo betwixt the Purveyors and them whoſe Goods ſhall be taken in the Preſence of the Conſtables and Priſors, Tallies ſhall be made and ſealed with the Purveyors Seals of the Things ſo taken, by which Tallies Satisfaction ſhall be made to them from whom ſuch Goods be taken. And if any Taker or Purveyor for the ſaid Houſes do take in any other Manner, he ſhall be incontinently arreſted by the Town where ſuch Taking was made, and brought to the next Gaol; and if he be thereof attainted, it ſhall be done of him as of a Thief, if the Quantity of the Goods the ſame require; and from thenceforth it ſhall be contained in the Commiſſions of ſuch Takers and Purveyors, be they under the ſmall Seal or the great, the Form and the Pain contained in this Statute.'

Enforced by 25 Ed. 3 ſtat. 5. c. 1. 36 Ed. 3. c. 2. *and* 2 & 3 P. & M. c. 6. 12 Car. 2. c. 24. *takes away Purveyance.* 13 *Car.* 2. *ſtat.* 1. *c.* 8. *and* 13 & 14 *Car.* 2. *c.* 20. *ſuſpend the* 12 *Car.* 2. *in favour of the King's royal Progreſſes, and of his Navy and Ordnance. See likewiſe the yearly Mutiny Acts.*

ITEM come en leſtatut fait a Weſtm' au parlement ſomons illoeqes apres la feſte de Seint Katerine lan du regne le Roi qore eſt quart entre autres choſes illoeqes acordez et eſtabliz ſoit contenuz ſur les grevances qe les purveours pur les Hoſtelx le Roi la Roigne ſa compaigne et de lour enfantz feſoient au poeple en outrajouſe meſure des bledz et auxint en voluntrive taille de fein littere et autres choſes purveus par les ditz purveours eſtabli ſoit qe les parnours et purveours des bledz pur les ditz Hoſtelx les preignent par meſure reſe ſelonc ce qe home uſe parmy le Roialme et qe touz les bledz fein littere beſtaill et totes autres vitailles et choſes quecunqes qe ſont aprendre pur meiſmes les Hoſtelx ſoient priſes a la verroie value par coneſtables et autres bones gentz des villes ou tieles priſes ſe ferront ſantz ce qe par manace ou dureſce ſoient les priſours chacez a mettre autre pris qe lour ſerment ne voet. Et en meiſme cel eſtatut ſoit rehercez un article qe fut fait en temps du bone memoire le Roi Ael le Roi qore eſt ou certeins peines ſont contenues contre ceux qi nonduement feſoient purveances pur tielx Hoſtelx pur les queles peines les purveours des ditz Hoſtelx ne ont pas leſſez a faire outrajouſe & nondues priſes contre la tenour des ditz eſtatutz. Al honeur & profit de noſtre Seignur le Roi & pur pees & quiete de ſon poeple & pur refrenir & punir la malveiſte de ceux qi tielx outrages ont faitz en eſclaudre du Roi la Roigne ſa compaigne & de lour enfantz acorde eſt & eſtabli qe les priſes & purveances ſe facent pur les ditz Hoſtelx par pris fait par coneſtable & quatre prodeſhommes des villes ou tieles priſes & purveances ſe ferront jurrez & ſantz manace ſicome en les ditz eſtatutz eſt contenuz. Et qe entre les purveours & ceux des queux les biens ſerront priſes en la preſence des coneſtables & priſours ſoient taillez faites enſealez de ſealx des parnours des choſes iſſint priſez par les queles tailles gree ſoit fait a ceux des queux les choſes ſerront iſſint priſes. Et ſi nul parnour ou purveour pur les ditz Hoſtelx les face par autre manere ſoit meintenant areſtuz par la ville ou la priſe ſerra faite & meſne a la procheine gaole & ſi de ce ſoit atteint ſoit la fait de lui come de laroun ſi la quantite des biens le demande & deſore ſoit contenu en les commiſſions des tielx parnours & purveours ſoient eles ſoutz le petit ſeal ou ſoutz le grant ſeal la fourme & la peine contenuz

Ex Rot. in Turr. Lond.

nuz en ceſt eſtatut. Et qen cheſcun cas ou enqueſtes ſont aprendre devant Seneſchalx & Mareſchalx del Hoſtel le Roi qe les enqueſtes ſoient priſes par gentz du paie enviroun & ne mie par gentz de loſtel ſil ne ſoit des contractz covenantz ou treſpas faitz par gentz de meiſme loſtel dune part & dautre & ce en meiſme loſtel ſelonc un autre eſtatut ent autrefoitz fait en temps meiſme le Roi Ael. Et qe en cas ou home ſe voudra pleindre de errour fait devant les ditz Seneſchalx & Mareſchalx eit le pleintif bref de faire venir le record & proces devant le Roi en ſa place & illoeqes ſoit le errour redreſce. Et ouxint ſoit fait en cheſcun autre cas ou homme ſe voudra pleindre de errour fait devant meiſmes les Seneſchalx & Mareſchalx de loſtel le Roi.

'And that in every Caſe where Inqueſts be to be taken before the Steward and the Marſhal of the King's Houſe, that Inqueſts be taken by Men of the Country thereabout, and not by Men of the King's Houſe, except it be of Contracts, Covenants, or Treſpaſſes made by Men of the King's Houſe of the one Part and of the other, and that in the ſame Houſe, according to another Statute thereof made in the Time of the ſaid EDWARD the Grandfather. And in caſe where any will complain of Error made before the ſaid Steward and Marſhal, the Plaintiff ſhall have a Writ to remove the Record and the Proceſs before the King in his Place, and there the Error ſhall be redreſſed. And likewiſe ſhall it be done in every other Caſe where any Man will complain him of Error done before the ſame Steward and Marſhal of the King's Houſe.'

Inqueſts taken in the Marſhal's Court. Stat. 10 Ed. 3. c. 2.

Error in the Marſhal's Court. 10 Ed. 3. ſtat. 2. c. 3.

CAP. III.

A Confirmation of the Statute of *Carliſle*, Made 35 *Edw.* 1. *Stat.* 1. touching Religious Houſes.

ENſement eſt acorde & eſtabli qe un eſtatut fait a Kardoil en temps meiſme le Roi lael en quel eſt contenuz qe gentz de religion ne facent apport hors du Roialme ſoit tenuz gardez & meintenuz en touz points.

'ITEM it is agreed, That the Statute made at *Carliſle* in the Time of King *Edward*, the King's Grandfather that now is, wherein is contained, That Religious men ſhall make no Carriage out of the Realm, ſhall be holden, kept, and maintained in all Points.'

4 Ed. 3. c. 6.

CAP. IV.

None ſhall be Sheriff, Eſcheator, or Bailiff of Franchiſe, unleſs he hath ſufficient in the County.

AUxint eſt acorde & eſtabli qe nul viſcounte ſoutheſchetour baillif de fraunchiſe wapentak hundred ne trithing ſoit deſore ſil neit terre ſuffiſtaument en meiſme le counte dont reſpondre au Roi & au people ſi homme ſe voudra pleindre.

'ITEM it is accorded and enacted, That no Sheriff, Under Eſcheator, Bailiff of Franchiſes, Wapentakes, Hundreds, nor Tithings, ſhall from henceforth be, except he have Lands ſufficient in the ſame County, whereof to anſwer the King and his People if any will complain.'

Regiſt. 177. 4 Ed. 3. c. 9. *See* 13 & 14 Car. 2. c. 21. *for preventing the unneceſſary Charge of Sheriffs, &c.*

CAP. V.

The Penalty if any do ſell Ware at a Fair after it be ended.

ITEM come contenuz ſoit en leſtatut fait a Northampton lan du regne le Roi qore eſt ſecund qe les Seignurs qi feires ont par chartres ou en autre manere les tiegnent pur le temps qils deveront & ne mie outre ſur la peine aprendre les feires en la meine le Roi & qe cheſcun Seignur au comencement de ſa feire face crier & publier en ycele come longement ſa feire ſe tendra & en meiſme leſtatut neſt mie ordeine certein puniſſement contre les marchantz ſil vendent apres le temps ſi eſt acorde & eſtabli qe les ditz marchantz apres le dit temps facent cloſe lour ſeudes & eſtaux ſantz mettre nulle manere de merce ou marchandiſe a vente illoeqes. Et ſi trove ſoit deſore qe nul marchant vende es dites feires merce ou marchandiſe apres le dit temps perde le dit marchant vers noſtre Seignur le Roi le double de ce qil iſſint avera vendu et a ce atteindre ſoit cheſcun home reſceu qi voudra ſure pur noſtre Seignur le Roy & eit celui qi iſſint ſuera la quarte pertie de ce qe ſerra a ſa ſeute iſſint perdu.

"ITEM, Where it is contained in the Statute made at *Northampton*, in the ſecond Year of the Reign of the King that now is, that the Lords, which have Fairs by Charters or otherwiſe, ſhall hold them during the Time that they ought to do, and no longer, upon Pain to ſeiſe ſuch fairs into the King's Hands; and that every Lord at the Beginning of his Fair do cry and proclaim therein how long the Fair ſhall endure; and in the ſame Statute is no certain Puniſhment ordained againſt the Merchants if they ſell after the Time:" 'It is accorded, That the ſaid Merchants after the ſaid Time ſhall cloſe their Booths and Stalls without putting any Manner of Ware or Merchandiſe to ſell there. And if it be found, that any Merchant from henceforth ſell any Ware or Merchandiſe at the ſaid Fairs after the ſaid Time, ſuch Merchant ſhall forfeit to our Lord the King the double Value of that which is ſold; and every Man that will ſue for our Lord the King, ſhall be received, and alſo have the fourth Part of that which ſhall be loſt at his Suit.'

2 Ed. 3. c. 15.

CAP.

CAP. VI.

Niſi prius ſhall be granted in Attaint, but no Eſſoin or Protection. Days given.

Ex Rot. in Turr. Lond.

"ITEM, Becauſe the Jurors have the leſs doubted to be perjured by Reaſon of the long Delays that have been in Attaints, before the Juſtices of the one Bench and of the other, and before other Juſtices;" 'it is enacted, That no Eſſoin of the King's Service nor Protection ſhall be from henceforth allowed in ſuch Juries, no more than in Aſſiſes of *Novel diſſeiſin*; and that five Days by the Year be given before the Juſtices of the Common Bench in the ſaid Juries at the leaſt; and that a *Niſi prius* be as well given in ſuch Writs as in other.'

ITEM pur ce qe les jurours ont dote a meins eſtre perjours pur les longes delaies qe ont eſte en atteints devant les Juſtices de lun Baunk & de lautre & devant autres Juſtices ſi eſt acorde & eſtabli qe eſſoigne du ſervice le Roi ne protection ne ſoient deſore enavant allowez en tieles jurez nient plus qen aſſiſe de Novele diſſeiſine & qe cink jours par an ſoient donez devant les Juſtices du commune Baunk en les dites jurez au meinz & qe le niſi prius ſoit auxibien done en tielx bref ſ come en autres.

3 *Ed.* 1. *c.* 38. 1 *Ed.* 3. *ſtat.* 1. *c.* 6. *See* 28 *Ed.* 3. *c.* 8. 34 *Ed.* 3. *c.* 7. 9 *Rich.* 2. *c.* 3. 11 *H.* 7. *c.* 21 & 24. 19 *H.* 7. *c.* 3. 23 *H.* 8. *c.* 3. *and* 37 *H.* 8. *c.* 5. *for further Regulations and Extenſions of Attaints.*

CAP. VII.

Attaint ſhall be granted in Treſpaſs, if the Damage paſs xl *s.*

"ITEM, Whereas it is contained in a Statute late made at *Weſtminſter*, in the firſt Year of the Reign of our Lord the King that now is, after his Coronation, that Attaints ſhould be granted in Writs of Treſpaſs;" 'it is accorded and eſtabliſhed, That Writs of Attaints ſhall be from henceforth granted as well in Pleas of Treſpaſs moved without Writ, as by Writ, before Juſtices of Record, if the Damages judged do paſs *xl s.* And this Statute ſhall hold Place as well of Inqueſts, taken in Times paſt, as to be taken in Time to come.'

ET come il ſoit contenuz en un eſtatut nadgairs fait a Weſtm' lan du regne noſtre Seignur le Roi qi ore eſt primer apres ſon coronement qe atteintez ſoient grauntez en breſs de treſpas ſi eſt accorde & eſtabli qe breſs datteintes deſore ſoient grantez auxibien en pledz de treſpas meutz ſantz breſs com par breſs devant Juſtices qi ſont de record ſi les damages ajugges paſſent quarant ſoldz. Et ceſt eſtatut eit lieu auxibien des enqueſtes priſes en temps paſſe come aprendre en temps avenir.

1 Ed. 3. ſtat. 1. c. 6.

By 28 Ed. 3. c. 8. *Attaint ſhall be granted upon a Bill as well as upon a Writ of Treſpaſs. See References to preceding Chapter.*

CAP. VIII.

The Marſhals of the King's Bench ſhall not bail Felons.

"ITEM, Becauſe that Perſons indicted of Felonies, Robberies, and Theft, in Times paſt have removed the ſame Indictment before the King, and there yielded themſelves, and by the Marſhals of the King's Bench have been incontinently let to Bail, and after have done many evil Deeds, and lain in wait to ſlay and evil intreat their Enditors; and alſo Perſons appealed of Felony, after the Exigent awarded, have yielded themſelves before the King, and have been let to Bail by the ſaid Marſhals:" 'It is accorded and eſtabliſhed, That ſuch Enditees and Appellees ſhall be ſafely and ſurely kept in Priſon, as belongeth to them according to the Charge which the ſaid Marſhals ſhall have of the Juſtices. And if any Marſhal do otherwiſe, at the Complaint of every Man that will complain, the Juſtices ſhall do him Right during the Terms; and in the end of the Terms, upon their riſing, the ſaid Marſhals ſhall chooſe before the ſaid Juſtices, before they depart the Places, in what Town they will keep ſuch Priſoners, at their Peril. And in the ſame Town they ſhall allow to them Houſes to keep ſuch Priſoners at their own Coſts and Charges; and there they ſhall keep them in Priſon, and ſhall not ſuffer them to go wandering Abroad, neither by Bail nor

ITEM pur ce qe les gentz enditez des felonies roberies & larcins einz ces heures ont fait venir lour enditementz devant le Roi & illoeqes ſe ſont renduz & par les Mareſchalx du Baunk le Roi ont eſte meintenant leſſez en bail & puis ont fait pluſours malx & agaitz de tuer ou malfaire loure enditours & auxint les appellez des felonies apres lexigende iſſue ſur eux ſe ſont renduz devant le Roi & ont eſte par les ditz Mareſchalx leſſez en bail ſi eſt acorde & eſtabli qe les ditz enditez & appelletz ſoient ſeurement & ſauvement gardez en priſone come y appent ſelonc la charge qe les ditz Mareſchalx averont des Juſtices. Et ſi nul Mareſchal face autrement a la pleinte de cheſcun qi pleindre ſe voudra le Juſtice lui ferra droit durant le terme. Et qen la fin des termes ſur lour lever eliſent les ditz Mareſchalx devant meiſmes les Juſtices avant lour departir des places en quele ville ils voudront garder tielx priſons a lour peril. Et en meiſme la ville allowent meſons pur la garde des priſons a lour cuſtages demeigne & illoeqes les gardent en priſone & ne les ſoeffrent nulle part aler waſkerantz ne

par

Ex Rot. in Turr. Lond.

par bail ne ſantz bail. Et ſi nul teil priſon ſoit trove par bail ou ſantz bail waſkerant hors de priſone & ce ſoit trove a la ſeute le Roi ou a la ſeute de partie eient les Mareſchalx qi de ce ſerront trovez coupables la priſone dun demy an & outre ſoient reintz a la volente le Roi & facent les Juſtices de ce enquere quant ils verront temps. Et quant au Mareſchal ſoit fait de la verge ceo qe reſoné voudra. Et en cas qe les Mareſchalx ſoeffrent par lour aſſent tielx priſons eſchaper ſoient a la lei come avant ces heures ont eſtez. Et nentend pas le Roi par ceſt eſtatut de perdre leſchape ou il le devera avoir.

'without Bail. And if any ſuch Priſoner be found wandering out of Priſon by Bail or without Bail, and that be found at the King's Suit, or at the Suit of the Party, the Marſhals which ſhall be found thereof guilty, ſhall have half a Year's Impriſonment, and be ranſomed at the King's Will; and the Juſtices ſhall thereof make Enquiry when they ſee Time. And as to the Marſhals, it ſhall be done within the Verge that which Reaſon will. And in caſe that the Marſhals ſuffer by their Aſſent ſuch Priſoners to eſcape, they ſhall be at the Law, as before this Time they have been. And the King intendeth not by this Statute to loſe the Eſcape, where he ought to have the ſame.'

The Penalty of the Marſhal which ſuffereth a Priſoner to eſcape.

By 8 and 9 W. 3. c. 27. ſec. 11. Office of Marſhal and Warden of the King's Bench and Fleet to be executed by thoſe who have the in the Crown.

Inheritance of thoſe Priſons, or their Deputies, &c. By 27 G. 2. c. 17. the Power of appointing the Marſhal of the King's Bench is reveſted

CAP. IX.

None ſhall be attached or forejudged contrary to the Great Charter, or the Law.

ITEM eſt acorde & eſtabli qe nul homme ſoit deſore attache par nul accuſement ne forjugge de vie ne de membre nes ſes terres tenemenz biens ne chateaux ſeiſiz en la mein le Roi contre la fourme de la Grante Chartre & la lei de la terre.

'ITEM it is enacted, That no Man from henceforth ſhall be attached by any Accuſation, nor forejudged of Life or Limb, nor his Lands, Tenements, Goods, nor Chattels ſeiſed into the King's Hands, againſt the Form of the Great Charter, and the Law of the Land.'

9 H. 3. ſtat. 1. c. 29. 2 Ed. 3. c. 8. *Enforced by* 14 Ed. 3. ſtat. 1. c. 14. 25 *Ed.* 3. *ſtat.* 5. *c.* 4. 28 Ed. 3. c. 3. 3 Bulſtr. 47.

37 Ed. 3. c. 18. 42 Ed. 3. c. 3. 11 Rich. 2. c. 10. and 16 Car. 1 c. 10. which regulates the Privy Council and takes away the Star Chamber.

CAP. X.

The Puniſhment of a Juror that is Ambidexter, and taketh Money.

AUXINT eſt acorde & eſtabli qe ſi nul jurour en aſſiſes jurez ou enqueſtes preigne dune part & dautre & de ce ſoit duement atteint qe mes ne ſoit mis en aſſiſes jurez nen enqueſtes & nient miens ſoit comande a la priſone & outre reint a la volente le Roi. Et a ce atteindre eient les Juſtices devant queux tieles aſſiſes jurez et enqueſtes paſſeront poair denquere & terminer ſelonc ceſt eſtatut.

'ITEM it is accorded, That if any Juror in Aſſiſes, Juries, or Enqueſts, take of the one Party or of the other, and be thereof duly attainted, that hereafter he ſhall not be put in any Aſſiſes, Juries, or Enqueſts, and nevertheleſs he ſhall be commanded to Priſon, and further ranſomed at the King's Will. And the Juſtices before whom ſuch Aſſiſes, Juries, and Enqueſts ſhall paſs, ſhall have Power to enquire and determine according to this Statute.'

44 Ed. 3. f. 39 Fitz. Decies tan. 12. Raſt. 145. Regiſt. 188;

Enforced and amended by 34 Ed. 3. c. 8. 38 Ed. 3. ſtat. 1. c. 12. *the latter enacting that Juror taking Money ſhall forfeit ten times the Sum taken.*

CAP. XI.

Proceſs againſt thoſe that be appealed, indicted, or outlawed in one County, and remain in another.

ITEM come avant ces heures aſcuns appellez ou enditez de diverſes felonies en un counte ou utlagez en meiſme le counte ont eſte demorantz ou receitez en autres countez paront les felons enditez & utlagez ont eſte covertz en lour malveiſtez de ce qils ne poeint eſtre attachez en autre counte ſi eſt acorde & eſtabli qe les Juſtices aſſignez doier & terminer tieles felonies facent lour brefs par touz les countez dEngleterre ou meſtre ſerra a prendre tielx enditez.

"ITEM, Where in Times paſt ſome Perſons appealed or indicted of divers Felonies in one County, or outlawed in the ſame County, have been dwelling or received in another County, whereby ſuch Felonious Perſons indicted and outlawed have been encouraged in their Miſchief, becauſe they may not be attached in another County;" it is enacted, that the Juſtices aſſigned to hear and determine ſuch Felonies, ſhall direct their Writs to all the Counties of *England*, where need ſhall be, to take ſuch Perſons indicted.'

CAP. XII.

What is requiſite to be done to have their Pardons allowed which be outlawed.

Ex Rot. in Turr. Lond.

Pardon of him that is outlawed upon a Judgment. Fitz. Chart. 27, 28. Fitz. Scire fac', 150. Outlawry upon an Original before Appearance. Fitz. Utlagar. 4. 1 H. 7. f. 12, 20. Dyer 172.

'ITEM it is eſtabliſhed and ordained, That in caſe where the Plaintiff ſhall recover Damages, and he againſt whom the Damages be recovered be outlawed at the King's Suit, that no Charter of Pardon ſhall be granted of his Outlawry, except the Chancellor be certified that the Plaintiff is ſatisfied of his Damages. And in caſe that a Man be outlawed by Proceſs before his Appearance, no ſuch Charter ſhall be granted, except the Chancellor be certified that ſuch Perſon outlawed hath yielded himſelf to Priſon before the Juſtices of the Place, from whence the Writ of Exigent iſſued; that is to ſay, if from the King's Bench, then he ſhall yield him in the ſame Place; and if from the Common Bench, then he ſhall yield himſelf there; and if from the Juſtices of *Oyer Terminer*, whiles the ſame Juſtices do ſit, he ſhall yield him before them; and if they be riſen, then he ſhall yield him in the King's Bench before the Juſtices, and the Record with the Proceſs ſhall be removed before them by Writ. And the ſaid Juſtices before whom they ſhall ſo yield them, ſhall cauſe the Party Plaintiff to be warned to appear before them at a certain Day, at which Day if the Warning be duly witneſſed, and the Plaintiff appear upon his Warning, then they ſhall plead upon the firſt original Writ, as though no Outlawry had been pronounced; and if the Plaintiff come not, he that is outlawed ſhall be delivered by virtue of his Charter. And it is to be underſtood, that all ſuch Charters be of the Grace of the King, as before they have been.'

A Scire facias awarded againſt the Plaintiff.

Regiſt. 288, 308.

AUXINT eſt acorde & eſtabli qen cas ou le pleintif recovre damages & a la ſeute le Roi celui devers qi les damages ſont recoveriz ſeit utlage qe nulle chartre de pardoun ſoit grante de cele utlagarie ſi le Chaunceller ne ſoit appris qe gree ſoit fait a meiſme le pleintif des damages. Et en cas ou homme ſoit utlage par proces devant ce qil apierge qe nulle tiele chartre ſoit grante ſi le Chaunceller ne ſoit appris qe tiel utlage ſe eit renduz a la priſone devant les juſtices en place dont le bref dexigend iſſiſt ceſt aſſaver ſi de la place le Roi qe adonqes il ſe rende en meiſme la place & ſi du commune Baunk adonqes ſe rend illoeqes et ſi des Juſtices aſſignez doier & terminer ſeantz meiſmes les Juſtices ſe rend devant eux & ſils ſoient levez adonqes ſe rend en la place le Roi devant les Juſtices & devant eux ſoit fait venir le record & proces par bref. Et les Juſtices ſuſditz devant queux ils ſerront iſſint renduz facent garnir la partie pleintif deſtre a certein jour devant eux a quel jour ſi le garniſſement ſoit duement teſmoigne adonqes pledent ſur le primer bref original auxicome nulle utlagarie neuſt eſte pronuncie ſi le pleintif viegne au garniſſement et ſil ne viegne mie ſoit lutlage delivers par vertue de ſa chartre. Et eſt a entendre qe totes tieles chartres ſont de la grace le Roi come avant ont eſte.

CAP. XIII.

What is requiſite where any Perſon will avoid an Outlawry by Impriſonment.

Fitz. Error, 23.

"ITEM, Becauſe divers People being duly outlawed, have avoided the Outlawries pronounced againſt them, by reaſon of Impriſonments untruly teſtified by Sheriffs and others which have no Record;" 'it is enacted, That if any from henceforth will defeat any Outlawry pronounced upon him by ſuch Teſtimony, that he ſhall yield himſelf to the Priſon, and then the Juſtices of the King's Bench ſhall cauſe the Party at whoſe Suit the Outlawry was pronounced, to be warned to be before them at a certain Day; at which Day, if the Party will verify that the Teſtimony is untrue, his Averment ſhall be received. And in like Manner the King's Serjeant, or his Attorney, or other that will ſue for the King, ſhall be received to have the ſame Averment againſt ſuch Teſtimony, in caſe where ſuch Outlawry is pronounced at the King's Suit.'

ITEM pur ce qe moltz de gentz duement utlagez ont deffait les utlageries pronunciez ſur eux par cauſe denpriſonement teſmoigne nient veritablement par viſcountes & autres qi nont pas record ſi eſt acorde & eſtabli qe ſi nul deſore enavant voille defaire lutlagerie pronouncie ſur lui par tiele teſmoignance qil ſe rend a la priſone & adonqes les Juſtices du Baunk le Roi facent garnir la partie a qi ſeute lutlagerie eſtoit pronuncie deſtre devant eux a certein jour a queu jour ſi la partie voille averrer qe la teſmoignance ne ſoit pas veritable ſoit reſceu a laverrement. En meſme la manere ſoit le Serjant le Roi ou ſon attourne out autre qi voudra ſure pur le Roi reſceu a lavarrement contre tiele teſmoignance en cas ou lutlagerie ſoit pronuncie a la ſeute le Roi.

CAP. XIV.

Night-Walkers and ſuſpected Perſons ſhall be ſafely kept.

Stat. Wincheſt. 13 Ed. 1. *ſtat.* 2. c. 4.

"ITEM, Whereas in the Statute made at *Wincheſter* in the Time of King EDWARD, Grandfather to the King that now is, it is contained, That if any Stranger paſs by the Country in the Night, of whom

ITEM come en leſtatut fait a Wynceſtre en temps meiſme le Roi lael ſoit contenuz qe ſi nul eſtraunge paſſe par pais de nuyt de qi homme eit ſuſpecion

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ſuſpecion ſoit meintenant areſtu & livere au viſcounte & demoerge en garde tant qil ſoit duement delivers. Et diverſes roberies homicides & felonies ont eſte faitz einz ces heures par gentz qi ſont appellez Roberdeſmen Waſtours & Draghlatche ſi eſt acorde & eſtabli qe ſi homme eit ſuſpecion de mal de nuls tielx ſoit il de jour ſoit il de nuyt qe meintenant ſoient araſtuz par les coneſtables des villes. Et ſils ſoient areſtuz en fraunchiſes ſoient liverez as baillifs des fraunchiſes & ſi en gildable ſoient liverez as viſcountes & gardez en priſone tant qe a la venue des Juſtices aſſignez a deliverer les gaoles. Et endementiers facent les viſcountes ou baillifs des franchiſes enquere des tielx areſtuz & a la venue des Juſtices retournent devant eux de ce lour enqueſtes & ce qils averont trovez et les cauſes des priſes od les corps et outre aillent les Juſtices a la deliverance de tielx areſtuz ſelonc la lei. Et en cas qe les viſcountes ou baillifs de fraunchiſes naveront pas enquis de tielx areſtuz ſoient amerciez et nient meins facent les Juſtices enquere et outre aillent a la deliverance come ſus eſt dit.

" any have Suſpicion, he ſhall preſently be arreſted
" and delivered to the Sheriff, and remain in Ward till
" he be duly delivered. And becauſe there have
" been divers Man-ſlaughters, Felonies, and Robberies done in Times paſt, by People that be called
" Roberdeſmen, Waſtors, and Draw-latches;" 'it
'is accorded, That if any Man have any evil Suſpicion of ſuch, be it by Day or by Night, they ſhall
'be incontinently arreſted by the Conſtables of the
'Towns. And if they be arreſted within Franchiſes, they ſhall be delivered to the Bailiffs of the
'Franchiſe, and if in Guildable, they ſhall be delivered to the Sheriffs, and kept in Priſon till the
'coming down of the Juſtices aſſigned to deliver the
'Gaol. And in the mean Time the Sheriffs or
'Bailiffs of the Franchiſes ſhall enquire of ſuch Ar- 3 Inſt. 197.
'reſts, and at the coming of the Juſtices return their
'Enqueſts before them, with that which they have
'found, and the Cauſe of the Takings, with the Bodies, and the Juſtices ſhall proceed to the Deliver-
'ance of ſuchPerſons arreſted according to the Law.
'And in caſe that the Sheriffs or Bailiffs of the
'Franchiſes have not enquired of ſuch Arreſts, they
'ſhall be amerced, and nevertheleſs the Juſtices ſhall
'make Enquiry, and further proceed to the Deli- *By* 5 H. 4. c. 3. *Watches ſhall be upon the Sea Coaſt.*
'verance, as before is ſaid.'

REX vicecomiti Ebor. ſalutem. Quedam ſtatuta per nos & magnatas & proceres regni noſtri in parliamento noſtro apud Weſtm' ultimo convocato pro communi utilitate populi regni noſtri edita ſub ſigillo noſtro tibi mittimus in forma patenti mandantes quod ſtatuta illa in ſingulis locis in balliva tua tam infra libertates quam extra ubi expedire videris legi & ea in omnibus & ſingulis ſuis articulis publice proclamari & teneri facias. T. R. apud Weſtm' xvi die Octobris.

Eodem modo mandatum eſt ſingulis vicecomitibus per Angliam. Teſte ut ſupra.

Memorandum quod iſtud ſtatutum ſimul cum ſtatutis precedentibus tempore Regis Edwardi tertii poſt conqueſtum factis miſſum fuit in Hiberniam in forma patenti cum brevi ſequenti:

REX dilecto & fideli ſuo Antonio de Lucy Juſticiario ſuo Hibernie ſalutem. Quedam ſtatuta per nos prelatos comites barones & alios magnates de regno noſtro edita in diverſis parliamentis noſtris poſtquam gubernacula regni noſtri ſuſcepimus vobis mittimus in forma patenti mandantes quod ſtatuta predicta & omnes articulos in eis contentos in predicta terra noſtra Hibernie tam infra libertates quam extra publice proclamari & quantum ad vos & populum noſtrum partium illarum attinet firmiter teneri & obſervari facias. T. R. apud Northampton xi. die Aprilis anno predicti Regis ſexto.

Statutes made at York craſtino Aſcenſionis, Anno 9 EDW. III. *Stat.* 1. Anno Dom. 1335.

Ex Rot. in Turr. Lond. *m.* 25.

COME avant ces heures en pluſurs parlementz et ore darrainement en parlement ſomons a Everwyk a lendemayn de lAſcenſion lan du regne noſtre Seignur le Roi EDWARD tierz apres le conqueſt noeſiſme par les chivalers des countez citeins des citees et burgeis des burghs queux y vindrunt per les communaltez des ditz countez citez et burghs monſtre fuſt a noſtre Seignur le Roi qe en pluſours citez burghs et autres lieux de ſon Roialme grantz dureſces et outrages damageous eſtoient faitz a lui et a poeple de ſon Roialme par aſcunes gentz des citez burghs portz de meer et autres lieus du dit Roiaulme qi nount pas ſuffert grant temps ne uncore ne ſoef-

" WHEREAS before this Time in many Parliaments, and now at this preſent Parliament ſummoned at *York* on the Morrow
" after the *Aſcenſion*, in the Ninth Year of the Reign
" of King EDWARD the Third after the Conqueſt, it
" was ſhewed to our ſaid Lord the King, by the Knights
" of the Shires, Citizens of the Cities, and Burgeſſes
" of the Boroughs, which come for the Commons of
" the ſaid Shires, Cities, and Boroughs, that in divers
" Cities, Boroughs and other Places of his Realm,
" great Dureſs and grievous Damage have been done
" to him and his People by ſome People of Cities, Boroughs, Ports of the Sea, and other Places of the
" ſaid Realm, which in long Time paſt have not ſuf-

" fered, nor yet will ſuffer Merchant Strangers, nor " other, which do carry and bring in by Sea or Land, " Wines, *Aver de pois*, and other Livings and Victuals, " with divers other Things to be ſold, neceſſary and " profitable for the King, his Prelates, Earls, Barons, " and other Noblemen, and the Commons of this " Realm, to ſell or deliver ſuch Wines, Livings, Vic- " tuals, nor other Things to any other than to them- " ſelves, of the Cities, Boroughs, Ports of the Sea, or " other Places where ſuch Wines, Livings, Victuals, " and other Things to be ſold, ſhall be brought or car- " ried; by reaſon whereof ſuch Stuff aforeſaid is " ſold to the King and to his People, in the Hands of " the ſaid Citizens, Burgeſſes, and other People, De- " nizens, more dear than they ſhould be, if ſuch " Merchant Strangers, and others, which bring ſuch " Things into the Realm, might freely ſell them to " whom they would, to the great Damage of our Lord " the King, and of his Prelates, Earls, Barons, and " other Nobles of this Realm, and grievous Oppreſſion " of his Commons; whereupon the ſaid Knights, " Citizens, and Burgeſſes, for them and the Com- " mons, deſired our ſaid Lord the King in his ſaid " Parliament, by their Petition, that for the Profit " and Commodity of his Prelates, Earls, Barons, " and other Nobles of this Realm, it may pleaſe him, " without further Delay upon the ſaid Grievances " and Outrage to provide Remedy."

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frent marchantz eſtranges ne autres qi meſnent carient ou portent par meer et par terre vins aver du pois et autres vivres vitailles et autres choſes vendables pur le Roi Prelatz Countes Barons nobles et le poeple de ſon Roialme neceſſairs et profitables les ditz vins vivres vitailles ne autres choſes vendables vendre ne bailler as autres qe a ceux de meiſmes les citez burghs portz de meer ou autres lieux ou les ditz vins vivres vitailles ou autres choſes vendables ſerront meſnez cariez ou portez et par ce ſi ſont les choſes ſuſnomes miſes et vendues au Roi & a ſon poeple en les meins des ditz citeins burgeis & autres gentz denzeines a trop grande cherte outre ceo qe eles euſſent eſtez ſi les marchantz eſtranges & autres qi ſont venir tieles choſes deinz le Roialme les peuſſent franchement vendre a qi qils vouſiſſent a grant damage de noſtre Seignur le Roi & des Prelatz Countes Barons & autres nobles de ſon Roialme & oppreſſion de ſon poeple Sur quei les ditz chivalers citeins & burgeis pur eux & pur le communes prierunt a noſtre Seignur le Roi en dit parlement par le peticion qe pur ſon profit & pur le profit des ditz Prelatz Countes Barons nobles & de people de ſon Roialme lui pluſt ſaunz plus delay ſur les ditz dureſces & outrages mettre remede covenable.

CAP. I.

Merchant Strangers may buy and ſell within this Realm without Diſturbance.

OUR Lord the King, deſiring the Profit of his People, upon advice with his Prelates, Earls, Barons, and other Nobles of his Realm, ſummoned at his Parliament, and with thoſe of his Council being there, upon the ſaid Things diſcloſed to him, and found true, to the great Hurt of the King and of the ſaid Prelates, Earls, and Barons, and other Nobles of his Realm, and Oppreſſion of his Commons, ‡ *hath ordained and eſtabliſhed*, That all Merchants, Strangers and Denizens, and all other and every of them, of what Eſtate or Condition ſoever they be, that will buy or ſell Corn, Wines, *Aver de pois*, Fleſh, Fiſh, and all other Livings and Victuals, Wools, Clothes, Wares, Merchandiſes, and all other Things vendible, from whence ſoever they come by Foreigners or Denizens, at what place ſoever it be, City, Borough, Town, Port of the Sea, Fair, Market, or elſewhere within the Realm, within Franchiſe or without, may freely without Interruption ſell them to what Perſons it ſhall pleaſe them, as well to Foreigners as Denizens; except always the Enemies of our Lord the King, and of his Realm. And if haply any Diſturbance be done to any Merchant, Stranger, or Denizen, or any other for the Sale of ſuch Things in any City, Borough, Town, Port of the Sea, or other Place which hath Franchiſe, and the Mayors and Bailiffs, or other which hath the Rule of ſuch Franchiſe, being required by the ſaid Merchants, or other, thereof to provide Remedy, and do not, and be thereof attainted, the Franchiſe ſhall be ſeiſed into the King's Hands. And nevertheleſs he and the other which hath done this Diſturbance againſt this Statute, ſhall be bound to yield and reſtore to the ſaid Merchant his double damages which he hath

‡ Add *whereupon it is ordained and eſtabliſhed by our ſaid Lord the King, by the Aſſent of the ſaid Prelates, Earls, Barons, and other Nobles, and of the Commons aforeſaid.*

Altered by 16 R. 2. c. 1. 9 H. 3. ſtat. 1. c. 30.

What Puniſhment ſhall be inflicted upon them that diſturb Merchants to ſell their Commodities.

NOſtre Seignur le Roi deſirant le profit de ſon poeple en aviſement ove les Prelatz Countes Barons & autres nobles de ſon Roialme a ſon dit parlement ſomons & ove ceux de ſon conſeil illoeqes eſteantz des dites choſes a lui monſtrees trova qe meiſmes les choſes furunt veritables a grant damage de lui & des Prelatz Countes Barons & autres nobles de ſon Roialme & oppreſſion de ſon poeple par quei par le dit noſtre Seignur le Roi de laſſent des ditz Prelatz Countes Barons & autres nobles de ſon Roialme & les communes avantdites ordine eſt & eſtabli qe touz marchantz alienz & denzeins & touz autres & cheſcuns de eux de quel eſtat ou condition qils ſoient qi achatre ou vendre voillent blez vins avoir de pois chares peſſon & touz autres vivres & vitailles laines drapz mercez marchandiſes & tote manere dautres choſes vendables de queu part qils veignent par foreins ou par denzeins a quel lieu qe ceo ſoit cite burgh ville porte de meer feire marche ou autre lieu deinz meiſme le Roialme deinz franchiſe ou dehors les peuſſent franchement & ſaunz deſtourber vendre a qi qe lor pleſt auxibien as foreins come as denzeins forſpris les enemys de noſtre Seignur le Roi & de ſon Roialme. Et ſi pur cas deſtourbance ſoit faite a nul marchant alien ou denzein ou a autre ſur la vente des tiels choſes en citee burgh ville port de meer ou autre lieu qe franchiſe eit & les maire baillifs ou autres qe unt garde de la dite franchiſe requis par les ditz marchantz ou autre de ent faire remedie & il ne le face & de ceo ſoit atteint ſoit la franchiſe priſe en la mein le Roi. Et nient meinz ſoit tenuz lui & les autres qi aurons faite cele deſtourbance contre ceſt eſtatut de render & reſtorer au dit marchant ſes damages qil avera ſoeffert

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ſoeffert par cele encheſon au double. Et ſi tiele deſtourbance ſoit faite as tiels marchantz ou as autres es villes ou lieux ou franchiſe neſt & le Seignur ſil ſoit preſent ou ſon baillif coneſtable ou autre gardein des dites villes et lieus en abſence des Seignurs ent requis de faire droit ne le facent & de ceo ſoient atteintz rendent le damage au pleintif au double auxi come deſus eſt dit & les deſtourbeours en ſun cas & en lautre auxibien deinz franchiſes come dehors ſils ſoient atteintz eient la priſone dun an & jadumeins ſoient reintz a la volunte le Roi. Auxint eſt ordine & eſtabli qe nul alien ne denzein ſur meiſmes les peines ne ſoit deſtourbez qil ne peuſſe franchement achatre les choſes ſuſnomes es lieux ſuſditz & carier la ou lui plerra a ſon oeps demeigne ou al profit du Roi et des grantz et du poeple du dit Roialme forſpris qe les marchants aliens ne ameſnent vins hors de meiſme le Roialme come eſt contenu en lor chartre. Et eſt ordene et eſtabli qe les dites choſes ſoient tenues gardez et fournies en cheſcune cite burgh ville port de mer et autre lieu deinz le dit Roialme nient contreſtante chartre de franchiſe a eux grante a contrair ne uſage ne cuſtume ou jugementz renduz ſur lor chartres uſages ou cuſtumes qi eux purront alleger les queles chartres uſages et cuſtumes ſi nulles ſoient noſtre Seignur le Roi Prelatz Countes Barons et grantz et communaltz avantditz tienent de nulle force comes choſes grantes uſes ou acuſtumes au damage du Roi Prelatz Countes Barons et grantz de ſon Roialme et oppreſſion de ſon poeple ſauve totefoitz au Roi & as autres les cuſtumes dues des dites marchandiſes. Auxint ordine eſt et eſtabli qe le Chanceller Treſorer et juſtices aſſignez a tenir les plez le Roi es lieus ou il viegnent enquergent des tieles deſtourbances et grevances et facent puniſſement ſolonc ceo qeſt avant ordine. Et nientmeins qe le Roi face aſſigner par commiſſion de ſon grant ſeal certeines gentz ou et quant lui plerra denquere de tieles deſtourbances et grevances et de faire puniſſement come deſus eſt dit.

‘ thereby ſuſtained. And if ſuch Diſturbance or ‘ Interruption be done to ſuch Merchants, or to other ‘ in ſuch Towns or Places where no Franchiſe is; and ‘ the Lord, if he be preſent, or his Bailiff, Conſtable, ‘ or other Ruler of the ſaid Towns and Places, in the ‘ Abſence of the Lords, being therein required to do ‘ Right, and do not, and thereof be attainted; they ‘ ſhall yield to the Party Plaintiff his double Damages, ‘ as afore is ſaid; and the Diſturbers in the one ‘ Caſe and the other, as well within Franchiſes as ‘ without, if they be attainted, ſhall have one Year's ‘ Impriſonment, and nevertheleſs be ranſomed at the ‘ King's Will. And it is ordained and eſtabliſhed, ‘ That no Alien or Denizen upon the ſame Pain ſhall ‘ be troubled, but that he may freely buy ſuch Things ‘ aforeſaid in the ſaid Places, and carry them where it ‘ pleaſeth him, to his own Uſe, or to the Profit of the ‘ King, or of the great Men, or the Commons of the ‘ Realm; ſaving that ſuch Merchants Aliens ſhall ‘ carry no Wine out of the ſame Realm, as is con- ‘ tained in their Charter. And it is enacted and ‘ eſtabliſhed, That the Things aforeſaid ſhall be ob- ‘ ſerved, performed, and kept in every City, Borough, ‘ Town, Port of the Sea, and other Places within the ‘ Realm, notwithſtanding Charters of Franchiſe grant- ‘ ed to them to the contrary, nor Uſage, nor Cuſtom, ‘ nor Judgment given upon their Charters, Uſages, ‘ or Cuſtoms that they can alledge; which Char- ‘ ters, Uſages, and Cuſtoms (if any be) our Lord the ‘ King, and the Prelates, Earls, Barons, Great Men, ‘ and the Commons aforeſaid, hold them of no Force, ‘ as Things granted, uſed, or accuſtomed, to the Da- ‘ mage of the King and his Prelates, Earls, Barons, ‘ and Great Men of his Realm, and to the Oppreſſion ‘ of the Commons; ſaved alway to the King, and to ‘ other, the Cuſtoms due of the ſaid Merchandiſes. ‘ It is alſo ordained and provided, That the Chan- ‘ cellor, Treaſurer, and the Juſtices aſſigned to hold ‘ the King's Pleas, in Places where they come, ſhall ‘ enquire of ſuch Diſturbances and Grievances, and ‘ the ſame ſhall puniſh according as is before ordained. ‘ And nevertheleſs the King ſhall aſſign by Com- ‘ miſſion of his Great Seal, certain Perſons, where and ‘ when it ſhall pleaſe him, to enquire of ſuch Diſturb- ‘ ances and Grievances, and the ſame to puniſh, as ‘ before is ſaid.’

Aliens ſhall carry no Wine out of the Realm.

Who may enquire of, and puniſh the Offences.

Enforced by 25 Ed. 3. *ſtat.* 4. c. 2. 2 R. 2. ſtat. 1.

c. 1. 11 R. 2. c. 7. *See* 5 H. 4. c. 9. 6 H 4. c. 4. *putting Merchant Strangers under ſome Reſtrictions. See likewiſe* 12 H. 7. c. 6. *concerning Merchant Adventurers.*

CAP. II.

No Man ſhall loſe Land becauſe of *Nonplevin.*

ET auxint a la requeſte des ditz communaltez faite a noſtre dit Seignur le Roi a ſon dit parlement noſtre Seignur le Roi pur le eiſe de ſon poeple par aſſent des Prelatz Countes Barons et autres grantz et communes avantditz ad oſte Nonplevine de terre qad eſt acuſtume en temps de ſes aunceſtres et ſon temps et les peines qe ſoleient ſuire en cas qe terre ne fuſt mie plevie en du temps. Et auxint eſt ordine et eſtabli qe nul ne perde ſa terre deſore par cauſe de Nonplevine et qe ceſt eſtatut eit lieu auxibien en plez pendantz ou jugement neſt mie rendu come en temps avenir.

‘ ITEM, At the Requeſt of the Commons aforeſaid, ‘ made to our Lord the King at the ſaid Parliament, ‘ our Lord the King, for the Eaſe of his People, by ‘ the Aſſent of the Prelates, Earls, Barons, and other ‘ great Men, and the Commons aforeſaid, hath put ‘ out *Nonplevin* of Land, which hath been accuſtomed ‘ in the Time of his Progenitors and his own Time, ‘ and the Pain alſo that was wont to enſue, in caſe the ‘ Land was not replevied in due Time. Alſo it is ‘ enacted, That none ſhall loſe his Land from hence- ‘ forth becauſe of *Nonplevin*; and that this Statute ‘ hold Place as well in Pleas yet hanging, wherein no ‘ Judgment is given, as in Time to come.’

CAP.

CAP. III.

In A Writ of Debt againſt divers Executors, they ſhall not fourch by Eſſoin.

Ex Rot. in Turr. Lond.

'ITEM, At the Requeſt of the ſaid Commons made to our Lord the King in his ſaid Parliament, it is ordained and eſtabliſhed, by our Lord the King, by the Aſſent of the Prelates, Earls, Barons, and other great Men, and the Commons aforeſaid, That in a Writ of Debt brought againſt divers Executors, the ſame Executors nor any of them, ſhall have but one Eſſoin before Appearance, that is to ſay, at the Summons or Attachment, nor after Appearance they ſhall have but one Eſſoin, as the Teſtator ſhould have had, ſo that all the Executors do repreſent the Perſon of the Teſtator as one Perſon. It is alſo enacted, That though the Sheriff do anſwer at the Summons, that ſome of them have nothing whereby he may be ſummoned, yet there ſhall an Attachment be awarded upon them. And if the Sheriff anſwer, that he hath nothing whereby he may be attached, the great Diſtreſs ſhall be awarded, ſo that at the great Diſtreſs returned upon them, he or they that do firſt appear in the Court ſhall anſwer to the Plaintiff. And although ſome of them have appeared in the Court, and make Default at the Day that the great Diſtreſs is returned upon the other, yet nevertheleſs he or they ſhall be put to anſwer, that firſt appeared at the great Diſtreſs returned. And in caſe the Judgment paſs for the Plaintiff, he ſhall have his Judgment and Execution againſt them that have pleaded, according to the Law heretofore uſed, and againſt all other named in the Writ, of the Goods of the Teſtator, as well as if they had all pleaded. And it is to be underſtood, that if any in ſuch Caſe will ſue according to the Law that hath been uſed heretofore, he may freely do it notwithſtanding this Statute.'

Bro. Parl. 24.

3 H. 6. f. 14. 7 H. 4. f. 10. In an Action of Debt brought againſt divers Executors, he which firſt appeareth ſhall anſwer.

ENſement a la requeſte des dites communaltez faite a noſtre Seignur le Roi a ſon dit parlement ordine eſt & eſtabli par noſtre Seignur le Roi del aſſent des Prelatz Countes Barons & autre grantz & communes avantdités qe ou brief de dette eſt porte vers pluſurs executours qe les ditz executours ne nul de eux ne eit forſque un eſſoigne avant apparance ceſt aſſavoir a la ſomonſe ou a lattachement ne apres apparance ne eint qe un eſſoigne come le teſtatour avereit iſſint qe mes ne pueſſent foercher par eſſoigne ne avant apparance ne apres apparance & pur ceo qe touz les executours repreſentent la perſone le teſtatour come une perſone ſi eſt auxint acorde & eſtabli qe tout ſoit ceo qe viſconte reſpoigne a le ſomonſe qe aſcun de eux neit riens ou il poet eſtre ſomons jadumeins ſoit agarde latachement ſur lui. Et ſi le viſconte reſpoigne qil nad riens par quei il poet eſtre attache ſoit agarde le grande deſtreſce iſſint qe a la grande deſtreſce retourne ſur eux reſpoigne al pleintif celui ou ceux qi primerment apparra ou apparrunt en court. Et tout ſoit ceo qe aſcun de eux eit apparu en court & face defaute au jour qe la grande deſtreſce ſoit retourne ſur les autres jadumeins reſpoigne celui ou ceux qi primes appara ou apparrunt a la grande deſtreſce retourne. Et en cas qe jugement paſſe pur le pleintif ſe face le jugement & execution devers ceux qi unt pledez ſolonc la lei avant uſe & devers touz les autres nomez en le breif des biens le teſtatour auxicome ils euſſent treſtouz pledez. Et eſt a entendre qe ſi nul en tieu cas voudra ſuire ſelonc la lei qe cea enarere ad eſte uſe qe franchement le peuſſe faire nient contreſtant ceſt eſtatut.

CAP. IV.

Trial of a Deed dated where the King's Writ runneth not.

"AND becauſe in Times paſt many have been oftentimes delayed of their Action, as well in Aſſiſes and other Pleas of Land, as in Contracts, Covenants, and Treſpaſſes, by reaſon that the Tenants or Defendants have pleaded in Bar a Releaſe, Quit-claim, or other ſpecial Deed, made within a Franchiſe within the Bounds of the Realm, where the King's Writ runneth not;" 'it is enacted and eſtabliſhed, That when ſuch Deeds be ſhewed forth in Bar of an Action, bearing Date in a Place within the ſame Franchiſe, although there be Witneſſes of the ſame Franchiſe named in the ſame Deeds, if the ſame Deeds be denied, Proceſs ſhall be awarded into the ſame County where the Plea ſhall be moved, to have the Inqueſt of the Country and the Witneſſes to appear; and if the Witneſſes come not at the great Diſtreſs returned, then for the Abſence of the ſaid Witneſſes, the Juſtices ſhall not let to proceed to the taking of the Inqueſt, as well as if ſuch Deed did bear Date in the ſame Shire where the Plea was moved, and the Witneſſes were of the ſame County.'

19 H. 6. f. 12.

ET auxint pur ceo qe avant ces houres pluſures gentz unt eſte ſovent delaiez de lor actions auxibien en aſſiſes & autres plez de terre come en contractz covenantez & treſpaſſes par encheſon qe les tenantz ou defendantz unt mys en barre releſſes quiteclamances ou autre fait eſpecial faitz deinz franchiſes dedeinz des bondes du roialme ou brief le Roi ne court mie acorde eſt & eſtabli qe quant tieux faitez ſont mis avant en barre daction portantz date de lieu deinz meiſme la franchiſe tout ſoit il qe teſmoignes de meiſmes la franchiſe ſoient nomez en meſmes les faitz & meſmes les faitz ſoient deditz ſoit proces fait en meiſme le counte ou le plee ſerra mu de faire venir bon pais & les teſmoignes & ſi les teſmoignes ne viegnent mie a la grande deſtreſce retourne adonqes pur labſence des ditz teſmoignes ne leſſent les juſtices qils naillent a la priſe de lenqueſte auxi come le fait portaſt date de meiſme le counte ou le plee fuſt meu & qe les teſmoignes feuſſent de meiſme le counte.

CAP.

CAP. V.

Which Juſtices ſhall ſend their Records and Proceſs determined into the Exchequer.

Ex Rot. in Turr. Lond.

ET enſement a la requeſte des dites communaltez ad noſtre Seignur le Roi de meiſme laſſent ordine & eſtabli qe Juſtices as aſſiſes prendre gaoles deliverer & doier & terminer aſſignez touz le recordes & proceſſes terminez & maundez en execution mândent a leſcheqier a la Seint Michel cheſcun an unefoitz a liverer illoeqes & qe le Treſ e& les chaumbreleins qi pur temps ſerront vewes les commiſſions des ditz Juſtices meiſmes les recordes & proceſſes reſceivent des ditz Juſtices ou deſouz lor ſeals & les gardent en treſorie come manere eſt iſſint totes foitz qe les ditz Juſtices primes preignent hors les eſtretes des ditz recordes & proceſſes devers eux pur mander a leſcheqier come avant ſoleient.

‘ITEM, At the Requeſt of the Commons, our Lord the King by the ſaid Aſſent hath ordained and eſtabliſhed, That Juſtices of Aſſiſes, Gaol-delivery, and of *Oyer* and *Terminer*, ſhall ſend all their Records and Proceſſes determined and put in Execution, to the Exchequer at *Michaelmas*, every Year once to be delivered there; and the Treaſurer and Chamberlains, which for the Time ſhall be, having the Sight of the Commiſſions of ſuch Juſtices, ſhall receive the ſame Records and Proceſſes of the ſaid Juſtices under their Seals, and keep them in the Treaſury, as the Manner is; ſo that the Juſtices always do firſt take out the Eſtreats of the ſaid Records and Proceſſes againſt them, to ſend to the Exchequer, as they were wont before.’

11 H. 4. c. 3. *Records ſhall not be impaired or amended after Judgment inrolled.*

REX majori & ballivis ville Suthampton ſalutem. Quedam ſtatuta per nos in parliamento noſtro apud Eborum in craſtino Aſcenſionis Domini proximo preterito convocato de aſſenſu prelatorum comitum baronum & totius comunitatis regni noſtri ibidem exiſtentium ad communem utilitatem populi ejuſdem regni edita vobis mittimus ſigillo noſtro conſignata mandantes quod ſtatuta illa & omnes articulos in eis contentos in villa predicta legi & publice proclamari & quantum ad vos pertinet firmiter obſervari faciatis. T. R. apud Novum Caſtrum ſuper Tynam xxx. die Junii.

Eodem modo mandatum eſt ſubſcriptis (mutatis mutandis) videlicet

Majori & vicecomitibus London'.
Majori & ballivis ville Briſtoll'.
Ballivis ville magne Jernemuth.
Ballivis civitatis Lincoln'.
Ballivis ville de Sandwico.
Ballivis ville de Lenne Epiſcopi.
Majori & ballivis ville Suthampton'.
Juſticiariis ad placita coram rege tenenda aſſignatis.
Juſticiariis de Banco.
Theſaurario & baronibus de Scaccario.
Singulis vicecomitibus per Angliam.

The Statute of Money, made at York craſtino Aſſenſionis, Anno 9 EDW. III. *Stat.* 2. Anno Dom. 1335.

Cotton *MS. Nero*, C. 1.

EDWARD per la grace de Dieu Roy Dengl' &c. as toutz gentz &c. ſalutz Pur ceo qe nous avoms entenduz qe pluſours gentz par dela le mear ſafforcent a countrefaire noſtre bon monoie denvoirer en noſtre Roialm en deſceit de nous damage & oppreſſion de noſtre poeple ſi remedie ne y ſoit mys Nous voillantz as tieux damages & oppreſſions areſtier & ſur ceo qe noſtre dit bone monoie ſoit multiplie deinz noſtre Roialme & lez terrez de noſtre pouer au profit de nous & de noz ſubmys purveier remedie convenable per aſſent des Prelatz Countz Barouns de noſtre dit Roialme a noſtre parlement tenuz a Everwik lendemayn del aſſumption proſcheyn paſſe aſſemblez avoms ordeigne & eſtablie lez choſez qenſuent en le maner ſoutheſcripte.

“EDWARD by the Grace of God, King of *England*, *&c.* to, *&c.* Greeting. Becauſe we have perceived that divers People beyond the Sea do endeavour themſelves to counterfeit our Sterling Money of *England*, and to ſend into *England* their weak Money, in Deceit of us, and Damage and Oppreſſion of our People, if Remedy be not provided; we, willing to prevent and let all ſuch Deceits, Damages, and Oppreſſions, and that our good Money be increaſed in our Realm, and other Countries within our Power, to the Profit of us and our Subjects, by the Aſſent of the Prelates, Earls, Barons, and other great Men of our Realm, at our Parliament holden at *York*, the Morrow of the *Aſcenſion* laſt paſt, there aſſembled, have ordained and eſtabliſhed theſe Things enſuing in the Manner under-written.”

CAP.

CAP. I.

None ſhall convey Gold or Silver forth of the Realm without the King's Licence.

Altered by
38 Ed. 3. *ſtat.* 1. c. 2.
5 R. 2. ſtat. 1. c. 2.
2 H. 4. c. 5.
2 *H.* 6. *c.* 6.
19 H. 7. c. 5.
See farther Index, tit. *Gold and Silver.*

'FIRST it is provided, That from henceforth no Religious Man, nor other, ſhall carry any Sterling out of the Realm of *England*, nor Silver in Plate, nor Veſſel of Gold, nor of Silver, upon Pain of Forfeiture of the Money, Plate, or Veſſel that he ſhall ſo carry, without our eſpecial Licence.'

Cotton *MS.*

PRimerement purvieu eſt qe null homme deſormez de religion nautre ne porte leſterling hors du Roialme Dengl' nargent en plate ne veſiel dor ne dargent ſur forfaiture de la monoie plate ou veſſel dor ne dargent qil portera ſaunz eſpecial coungie de nous.

CAP. II.

No falſe Money or counterfeit Sterling ſhall be brought into the Realm.

Enforced by
1 & 2 Ph. & M. c. 11.
14 El. c. 3.
13 & 14 Car. 2. c. 31. *and ſee the References to the foregoing Chapter.*

'ITEM, That no falſe Money or counterfeit Sterling be brought into the Realm, nor elſewhere within our Power, upon Forfeiture of ſuch Money; ſo always that all People, of what Realm or Dominion they be, may ſafely bring to the Exchanges, and to no Place elſe, Bullion or Silver in Plate, Veſſel of Silver, and all Manner of Money of Silver, of what Value ſoever it be (ſaving falſe Money, and Sterling counterfeit) and there receive good and convenient Exchange.'

ITEM qe null' faux monoie ne counterfet deſterling ne ſoit port el Roialme ne aillours en noſtre pouer ſur forfaiture de la monoie Iſſint toutz viez qe toutz gentz de qeconqe Roialme ou pouer qils ſoient puiſſent ſauvement porter as lez eſchaungez ou bullion & ne mye aillours argent en plate veſſel dargent & toutz maners des monoiez dargent de qeconqe value qils ſoient ſauve faux monoie & leſterling counterfait & illoeqs reſceivent bone & covenable eſchaunge.

CAP. III.

No Sterling Farthing or Halfpenny ſhall be molten to make Veſſel.

Enforced by
17 R. 2. c. 1.
17 Ed. 4. c. 1.
19 H. 7. c. 5.
13 & 14 Car. 2. c. 31.

'ITEM, That no Sterling Halfpenny nor Farthing be molten for to make Veſſel, or any other Thing by Goldſmiths, nor other, upon Forfeiture of the Money ſo molten; and that the Goldſmith, or other, which hath ſo molten ſuch Money, ſhall be committed to Priſon, there to remain till he hath yielded unto us the one half of that that he hath ſo molten, notwithſtanding any Charter or Franchiſe granted or uſed to the contrary.'

ET qe null' eſterling mail ne ferling ne ſoit foundue pur veſſell', ne autre choſe faire per orpheours nautres ſur forfaiture de la monoie foundu & qe lorpheour ou autre qe lavera iſſint foundu ſoit mys a la priſon' & illoeques demurge tanqz il avera rendue a nous la moite qil avera iſſint foundu nient contriſteant Chartre ou Fraunchiſe ou uſee a contrarie.

CAP. IV.

OB.

Black Money ſhall not be current in this Realm.

CAP. V.

OB.

The Reward of thoſe that will ſue againſt the Offenders of this Statute.

CAP. VI.

OB.

There ſhall be no defrauding of this Statute.

CAP. VII.

OB.

Exchanges ſhall be where it ſhall pleaſe the King and his Council.

CAP. VIII.

Repealed by
21 Jac. 1. c. 28.
4 Ed. 4. c. 10.
13 *R.* 2. *ſtat.* 1. *c.* 20.

Pilgrims ſhall paſs at *Dover* only.

CAP. IX.

Search ſhall be made for Money carried out, and falſe Money brought in.

CAP.

CAP. X.

The Searchers ſhall have the Fourth Part of the Forfeiture.

Cotton *MS.*

CAP. XI.

Hoſtlers ſhall be ſworn to ſearch their Gueſts.

Statutes made at Weſtminſter Anno 10 Edw. III. *Stat.* 1. *and* Anno Dom. 1336.

Ex Rot. in Turr. Lond. *m.* 24.

PUR ce qe noſtre Seignur le Roi Edward tierce apres le conqueſt qe deſire ſovereinement la meintenance de ſa pees & ſalvation de ſon poeple ad entendu a la pleinte des Prelatz Countez & Barouns & auxint a la demonſtrance des chivalers des countez & gentz de commune par lor petition miſe en ſon parlement tenu a Weſtmonſtier le Lundy procheine apres my Quareſme lan de ſon regne diſme diverſes oppreſſions & grevances faites a ſon dit poeple & nomement par murdrours robeours larouns raviſours des femmes & autres felons coveitant pur refreindre la malice des tielx felons & purveer de remede covenable ſi ad ordine & eſtabli del aſſent des ditz Prelatz Countes Barouns & autres Nobles de ſon Roialme & a la requeſte des ditz chivalers & gentz de commune pur quiete & pees de ſon ditz poeple qe les articles ſoutheſcritz ſoient gardez & meintenuz en touz pointz.

" BECAUSE our Lord the King, Edward the " Third after the Conqueſt (which ſovereignly " deſireth the Maintenance of his Peace, and " Safeguard of his People) hath perceived at the Com- " plaint of the Prelates, Earls, Barons, and alſo at the " ſhewing of the Knights of the Shires and his Com- " mons, by their Petition put in his Parliament holden " at *Weſtminſter* the *Monday* next after *Midlent*, in the " Tenth Year of his Reign, divers Oppreſſions and " Grievances done to his ſaid People, and namely by " Murderers, Robbers, Thieves, Raviſhers of Wo- " men, and other Felons; coveting to obvent the Ma- " lice of ſuch Felons, and to ſee a conveniable Re- " medy, hath ordained and eſtabliſhed by the Aſſent " of the ſaid Prelates, Earls, Barons, and other No- " bles of this Realm, and at the Requeſt of the ſaid " Knights and Commons, for the Quietneſs and Peace " of his People, that the Articles underneath written " be kept and maintained in all Points."

CAP. I.

A Confirmation of former Statutes.

EN primes ſi eſt acorde & eſtabli qe la Grande Chartre & la Chartre de la Foreſte et auxint les eſtatutz faitz en temps des progenitours noſtre Seignur le Roi et en ſon temps demeigne ſoient tenuz gardez et fermement meintenuz auxibien devers les grantz come devers les petitz et les riches come les povres.

' FIRST it is accorded and eſtabliſhed, That the Great ' Charter and the Charter of the Foreſt, and alſo ' the Statutes made in the Time of the King's Proge- ' nitors, and alſo in his own Time, be kept, holden, ' and firmly maintained, as well by the great Men as ' by the ſmall, and the rich Men as the Poor.'

CAP. II.

Pardons ſhall not be granted contrary to the Statute of 2 *Edw.* 3. *cap.* 2.

ENſement pur ce qe murdrours robeours larons et autres felons ſont grandement eſbaudiz de meffaire de ce qe chartres de pardoun des homicides roberies felonies et autres treſpas contre la pees ont eſte ſi legerment grantez avant ces heures ſi eſt acorde et eſtabli par noſtre Seignur le Roi del aſſent des Prelatz Contes et Barons et a la requeſte des ditz chivalers et gentz de commune qe nulles tieles chartres deſore ſoient grantez par noſtre Seignur le Roi contre la forme del eſtatut fait nadgaires a Northampton lan du regne le Roi qore eſt ſecond.

" ITEM, Whereas Murderers, Robbers, and other " Felons, be greatly encouraged to offend, by rea- " ſon that Charters of Pardon of Man-ſlaughter, Rob- " bery, Felonies, and other Treſpaſſes againſt the " Peace, have been ſo lightly granted before this " Time;" ' it is accorded and eſtabliſhed by our ' Lord the King, by the Aſſent of his Prelates, Earls, ' Barons, and at the Requeſt of the ſaid Knights and ' Commons, That no ſuch Charters, from henceforth ' ſhall be granted by our Lord the King, againſt the ' Form of a Statute late made at *Northampton* the Se- ' cond Year of his Reign.'

2 Ed. 3. c. 2. Chart. de Pardon, Br. 10. *Enforced by* 14 Ed. 3. ſtat. 1. c. 25.

CAP. III.

Repealed by 5 W. & M. c. 13. l. 2.

He that hath a Pardon of Felony ſhall find Sureties for his good abearing.
In Turr. Lond.

Statutes of Purveyors, made at Weſtminſter, Anno 10 EDW. III. *Stat.* 2. *and* Anno Dom. 1336.

"THESE be the Articles accorded in the Parliament of our Lord King EDWARD the Third after the Conqueſt, holden at *Weſtminſter*, the *Monday* next after the half of *Lent*, in the Tenth Year of his Reign, by our ſaid Lord the King, with the Aſſent of the Prelates, Earls, Barons, and alſo at the Requeſt of the Knights of the Shires, and the Commons, by their Petitions put in the ſaid Parliament."

Ex Rot. in Turr. Lond. *m.* 24.

CES ſont les choſes acordes en parlement noſtre Seignur le Roi EDWARD tierce apres le conqueſt tenua Weſtmonſtier le Lundi prochein apres my Quareſme lan de ſon regne diſme par le dit noſtre Seignur le Roi del aſſent des Prelatz Countes et Barons et auxint a la requeſte des chivalers des countez et gentz de commune par lor petition miſe en dit parlement.

CAP. I.

Things purveyed for the King's Houſe ſhall be praiſed, and Tallies made thereof.

EN primes eſt acorde pur la malice refreindre des purveiours des Hoſtels le Roi la Reyne & de lor enfantz & dautres des dureſces par eux faitz au dit poeple par lour outraguſes priſes pur meiſmes les hoſtielx & en autre manere qe larticle contenu en un eſtatut fait a Weſtm' lan du regne le Roi qore eſt quint en la forme qe ſenſuit ſoit derechief publie garde & tenu en touz point. [*Then follows the Statute* 5 Edw. 3. cap. 2.]

12 Car. 2. c. 24 *takes away Purveyance. But* 13 Car. 2. *ſtat.* 1. c. 8. *and* 13 & 14 Car. 2. c. 20. *ſuſpend the* 12 Car. 2. *in favour of the King's royal Progreſſes, and of his Navy and Ordnance. See likewiſe the yearly Mutiny Acts.*

CAP. II.

O B. The Sheriff ſhall not make Purveyance for the King's Horſes.

CAP. III.

O B. Certain Perſons ſhall be appointed to hear the Offences of the Keepers of the King's Horſes.

Articles ſent to the ſeveral Sheriffs for preſerving the Peace of the Kingdom till the Meeting of the next Parliament; annexed to the preceding Statute.

ART. I.

ITEM eſt acorde par noſtre Seignur le Roi Prelatz Countes Barons & autres du conſeil le Roi & auxint par la commune pur les grantz meſchiefs qe ſont avenuz en Roialme par larons felons & autres malveis qe touz ceux des queux noſtre Seignur le Roi a ore poet eſtre enfourme par bones gentz as queux il devera foi doner qi ſont notoirs meffeſours ou meintenours des meffeſours ſoit maunde de cy par briefs as viſcontes des pais ou les ditz meffeſours & meintenours ſont converſantz ou purront eſtre trovez ou as autres as queux noſtre Seignur le Roi acordera de les prendre auxibien deinz fraunchiſes come dehors & dempriſoner & ſauvement garder. Et a ce en cheſcun pais ſoient aſſignez bones gentz & fiables & de poer denquere oier & terminer ſur les faitz des ditz meffeſours & meintenours ſolonc lei de terre & jatardeis denquere des autres & doier & terminer. Et eſtre ce qils eient poer de prendere & comander a prendre touz ceux queux notoirement ſont defamez des tiels malveiſtez auxibien deinz franchiſes come dehors & dempriſoner & nient meins denquere & doier & terminer de lor faitz. Et qe de ce cours ſe tiegne ſaunz eſtre chaunge tanque al prochein parlement deinz queu temps homme purra aſſaier le bien & quiete qe purra avenir per le bone garde de la pees par ceſt acord.

ART. II.

ITEM eſt acorde qe les eſtatutz einz ces heures faitz contenantz qe viſcontes hundreders et baillifs ſoient des gentz eantz terres en meiſmes les countez ou baillies et auxint qe les hundredz & wapentaks baillez a ferme qe auncienement furunt annex as fermes des countez & ſeverez des viſcountez ſoient rejointez as countez ſoient gardez en touz pointz.

ART.

ART. III.

Ex Rot. in Turr. Lond.

ET eſt auxint acorde qe les gaoles qe ſont appendantz as viſcontez qeles ſoient gardez come auncienement ſoleient eſtre en temps des aunceſtres noſtre Seignur le Roi. Et ſi les gardes des dites gaoles ſoient ailleurs liverez qeles ſoient repriſes par briefs & baillez a ceux qi les deivent avoir de reſon.

ART. IV.

ITEM eſt acorde qe nul brief de neif ce deſore ſoit grante en Chauncellerie ſil ne ſoit a la ſeute de ceux en qi nouns les briefs ſerront purchacez ou qe le Chaunceller ou les clercs de la Chauncellerie ſoient apris qe les ditz briefs ſoient demaundez de la volunte de meiſmes ceux pur queux les briefs ſerront iſſint affaire.

ART. V.

ITEM come aſcunes dEngleterre nadgairs aſſignez pur arraier hobelours & archers a certein noumbre pur la guerre dEſcoce eient levez diverſes ſummes des deners pur armures chivaux & auxint deſpenſes & autres cuſtages des ditz hobelours & archers des queux deners iſſint levez grande partie uncore demoert es meyns des ditz arraiours come monſtre eſt par les ditz chivalers & gentz de commune par la dite petition ci eſt acorde qe touz les deners iſſint levez qe uncore ſont es meyns des arraiours ſoient reſtituz a ceux des queux ils furunt iſſint levez.

Et memorandum quod in parliamento predicto concordatum fuit quod articuli predicti non tenerentur pro Statuto.

REX vicecomiti Ebor' & coronatoribus ſuis in eodem comitatu ſalutem. Quedam ſtatuta pro conſervatione pacis noſtre et quiete et tranquillitate populi regni noſtri in parliamento noſtro apud Weſtm' die Lune proximo poſt diem Dominicam in medio Quadrageſime proximo preterito convocato de aſſenſu prelatorum comitum baronum et totius communitatis regni noſtri ibidem exiſtentium edita vobis mittimus in forma patenti ſigillo noſtro conſignata necnon quendam articulum per nos et concilium noſtrum in parliamento noſtro apud locum predictum in craſtino ſancti Michaelis anno regni noſtri quinto ſummonito ſuper providentiis pro hoſpitio noſtro & hoſpitiis conſortis noſtre ac liberorum noſtrorum per proviſores eorundem ſub certa forma faciendis factum preſentibus intercluſum mandantes tibi prefato vicecomiti quod tam ſtatuta predicta quam dictum articulum in pleno comitatu tuo ac in ſingulis locis in balliva tua tam infra libertates quam extra ubi expedire videris legi et publice proclamari ac quantum ad te pertinet firmiter facias obſervari. Precipimus etiam tam tibi predicto vicecomiti quam vobis prefatis coronatoribus quod manucaptiones de quibus fit mentio in ſtatutis illis ſub forma in eis contenta recipiatis et eas nobis in cancellarium noſtram mittatis juxta tenorem ſtatutorum eorundem et hoc nullatenus omittatis. T. R. apud Eltham primo die Aprilis.

Per ipſum Regem.

Eodem modo mandatum eſt ſingulis vicecomitibus per Angliam.

Statutum de Cibariis utendis, editum apud Nottingham, *Anno* 10 EDW. III. Stat. 3. & *Anno* 1336. See Appendix.

Statutes made at Weſtminſter, 27 *Septembris*, Anno 11 EDW. III. *and* Anno Dom. 1337.

CAP. I.

It ſhall be Felony to carry any Wool out of the Realm, until it be otherwiſe ordained. EXP.

Rot. in Turr. Lond. *m.* 24. D.

CAP. II.

None ſhall wear any Cloth, but ſuch as is made in *England*.

EST auxint acorde qe nul homme ne femme grant ne petit dEngleterre Irlaund Gales ne du poair noſtre Seignur le Roi en Eſcoce de quel eſtat ou condition qil ſoit Rois Royne & lor enfantz tantſoulement forſpris ne uſe drap qe ſerra achate apres la feſte de Seint Michel prochein avenir autre qe ne ſoit fait en Engleterre

Repealed in Part by 24 H. 8. c. 13. and by 1 Jac. 1. c. 15. by general Words.

Ex Rot. in Turr. Lond.

Engleterre Irlaunde Gales ou Eſcoce deinz le poer noſtre Seignur le Roi ſur la forfaiture du dit drap & outre deſtre puny a la volunte noſtre Seignur le Roi et qe es dites terres dEngleterre Irlaund Gales & Eſcoce deinz le poer noſtre Seignur le Roi homme peuſſe faire les draps auxi longs & auxint courtz come homme voudra.

CAP. III.

No Clothes made beyond the Seas ſhall be brought into the King's Dominions.

'ITEM it is accorded and eſtabliſhed, That no 'Merchant, Foreign nor Denizen, nor none other, 'after the ſaid Feaſt of St. *Michael*, ſhall bring or cauſe 'to be brought privily nor apertly, by himſelf nor by 'other, into the ſaid Lands of *England*, *Ireland*, *Wales*, 'and *Scotland*, within the King's Power, any Clothes 'made in any other Places than in the ſame, upon the 'Forfeiture of the ſaid Clothes, and further to be pu-'niſhed at the King's Will.'

Confirmed by 4 Ed. 4. c. 1.

AUxint eſt acorde qe nul marchant foreign ne denzein ne autre apres la feſte de Seint Michel meſme ne face meſner en prive nen apert par lui ne par autre es dites terre dEngleterre Irlaund Gales ou Eſcoce deinz le poair noſtre Seignur le Roi draps aillors faitz qe en yceles ſur la forfaiture des ditz draps et outre deſtre puny a la volunte noſtre Seignur le Roi come deſus eſt dit.

CAP. IV.

Who only may wear Furs.

Repealed by 3 Jac. 1. c. 25.

CAP. V.

Cloth-workers may come into the King's Dominions, and have ſufficient Liberties.

'ITEM it is accorded, That all the Cloth-workers 'of ſtrange Lands, of whatſoever Country they be, 'which will come into *England*, *Ireland*, *Wales*, and '*Scotland*, within the King's Power, ſhall come ſafely 'and ſurely, and ſhall be in the King's Protection and 'ſafe Conduct, to dwell in the ſame Lands, chuſing 'where they will. And to the Intent the ſaid 'Cloth-workers ſhall have the greater Will to come 'and dwell here, our Sovereign Lord the King will 'grant them Franchiſes as many and ſuch as may ſuf-'fice them.'

ET auxint eſt acorde qe touz les oevrours des draps deſtraunges terres de queles terres qils ſoient qi voudrent venir en Engleterre Irlaund Gales & Eſcoce deinz le poair noſtre Seignur le Roi viegnont ſalvement & ſeurement en la protection & ſauf conduyt de noſtre Seignur le Roi a demorer en icelles terres es lieux ou ils vodront. Et qe les ditz oevrours eient plus grante volunte de y venir & demorer noſtre Seignur le Roi lor voet granter franchiſes tantes & tieles qe les ſuffiront.

REX vicecomiti Ebor' ſalutem. Quendam articulum per nos de aſſenſu prelatorum comitum baronum ac totius communitatis regni noſtri in parliamento noſtro apud Weſtm' die Lune proximo poſt feſtum ſancti Mathie apoſtoli proximo reterito tento exiſtentium ſuper lanis extra regnum noſtrum ducendis & pannis ac pelura in regno noſtro Anglie & terris noſtris Hibernie & Wallie ac infra dominium noſtrum in terre Scotie poſt feſtum ſancti Michaelis proximo futurum utendis ſub certa forma nec non de modo facture pannorum in eiſdem regno & terris ac etiam de pannis tranſmarinis infra regnum terras & dominium noſtrum ſupradicta poſt idem feſtum quoquo modo non ducendis ordinatum tibi mittimus in forma patenti ſigillo noſtro conſignatum mandantes quod articulum predictum in pleno comitatu tuo ac in ſingulis locis in balliva tua tam infra libertates quam extra ubi expedire videris legi & ex parte noſtra publice proclamari & quantum ad de pertinet firmiter facias obſervari & hoc nullatenus omittas. T. R. apud Wyndeſor xxviii. die Martii.

Per ipſum Regem.

Eodem modo mandatum eſt ſingulis vicecomitibus per Angliam.

Statutes made at Weſtminſter, Anno 14 EDW. III. *Stat.* 1. *and* Anno primo *of his Reign of* France, *and* Anno Dom. 1340.

"TO the Honour of God and of holy Church, "by the Aſſent of the Prelates, Earls, Barons, "and other aſſembled at the Parliament holden "at *Weſtminſter* the *Wedneſday* next after *Midlent*, in "the Fourteenth Year of the Reign of our Lord King "EDWARD the Third of *England*, and the Firſt Year "of his Reign of *France:* the King for the Peace and

Ex Rot. in Tur. Lond. *m.* 22 & 23.

AL honeur de Dieu & de ſeinte egliſe par aſſent das Prelatz Contes Barons & autres aſſemblez au Parlement tenuz au Weymonſtier le Meſkerdy procheine apres my Quarreſme lan du regne noſtre Seignur le Roi EDWARD dEngleterre quatorziſme & de France primer ſi ad le Roi pur eeſe & quiete de ſon people auſibien de

granta

Ex Rot. in Turr. Lond.

grantz come de petitz grante & eſtabli les choſes deſoutz eſcriptes les queux il voet qe ſoient tenuz & gardez en tutz poyntz perpetuelment adurer.

"Quietneſs of his People, as well great as ſmall, doth grant and eſtabliſh the Things under-written, which he will to be holden and kept in all Points perpetually to endure."

CAP. I.

A Confirmation of Liberties.

PRimerement qe ſeinte egliſe eit ſes franchiſes en quiete ſaunz empechement ou diſtourbance & qe la Grande Chartre & la Chartre de la Foreſte ſoient tenuz en touz pointz & qe la Citee de Londres & touz les autres citees & burghs du roialme dEngleterre eient toutes lour franchiſes & uſages queles ils ont reſonablement eu & uſez cea en arere.

'FIrſt, That Holy Church have her Liberties in Quietneſs, without Interruption or Diſturbance; and that the Great Charter, and the Charter of the Foreſt, be holden in all Points; and that the City of *London*, and all other Cities and Boroughs of the Realm of *England*, have all their Franchiſes and Cuſtoms, which they have reaſonably had and uſed in Time paſt.'

CAP. II.

The King in reſpect of his Wars in *Scotland*, *France*, and *Gaſcoin*, &c. doth pardon ſeveral Offences.

CAP. III.

The King's Pardon to his People of divers Debts, Accompts, Arrearages, &c. until the Tenth Year of his Reign. EXP.

CAP. IV.

Preſentment of *Engleſchrie* ſhall be clearly extirpate.

ITEM pur ce qe moultz des meſchefs ſont avenuz en divers pays dEngleterre qils navoient mye coniſance de preſentement dEngleſcherie par quoi les communes des countes eſtoient ſovent devant les Juſtices errantz amerceez a grant meſchief du poeple ſi eſt aſſentu qe deſore en avant nul Juſtice errant ne mette en article nen oppoſition preſentement dEngleſcherie devers les communes des countees ne devers nul de eux mes de tut ſoit lEngleſcherie & le preſentement dycel pur touz jours ouſte & qe nul par celle cauſe ſoit deſore empeche.

"ITEM, Becauſe many Miſchiefs have happened in divers Counties of *England*, which had no Knowledge of Preſentment of *Engleſchrie*, whereby the Commons of the Counties were often amerced before the Juſtices in Eyre, to the great Miſchief of the People," 'it is aſſented, That from henceforth no Juſtice Errant ſhall put in any Article, Oppoſition, Preſentment of *Engleſchrie* againſt the Commons of the Counties, nor againſt any of them, but that *Engleſchrie* and Preſentment of the ſame, be wholly out and void for ever, ſo that no Perſon by this Cauſe may be from henceforth impeached.'

CAP. V.

Delays of Judgements in other Courts ſhall be redreſſed in Parliament.

ITEM pur ce qe moultz des meſchiefs ſont avenuz de ceo qe en diverſes places auſſibien en la Chauncellerie en le Bank le Roi le commune Bank & Leſcheqer les Juſtices aſſignez & autres Juſtices a oyer & terminer deputez les jugementz ſi ount eſte delaiez a la foitz par difficulte & aſcune foitz par divers oppinions des Jugges & a la foitz par autre cauſe ſi eſt aſſentuz eſtabliz & acordez qe deſore en avant a cheſcun parlement ſoient eſluz un Prelat deux Countes & deux Barons qe eient commiſſion & poair du Roi doier par petition a eux liveree les pleintes de touz ceux qe pleindre ſe verront de tieux delaies ou grevances faites a eux & eient poair a faire venir devant eux a Weſtm' ou aillours ou les places ſerront ou aſcun des places ſerra les tenours des recordz & proces de tieux jugementz enſi delaiez & facent venir devant eux meiſmes les Juſtices qeſerront adonqes preſentz pur

"ITEM, Becauſe divers Miſchiefs have happened for that in divers Places, as well in the Chancery, as in the King's Bench, the Common Bench, and in the Exchequer before the Juſtices aſſigned, and other Juſtices to hear and determine deputed, the Judgements have been delayed, ſometime by Difficulty, and ſometime by divers Opinions of the Judges, and ſometime for ſome other Cauſe;" 'it is aſſented, eſtabliſhed, and accorded, That from henceforth at every Parliament ſhall be choſen a Prelate, two Earls, and two Barons, which ſhall have Commiſſion and Power of the King to hear by Petition delivered to them, the Complaints of all thoſe that will complain them of ſuch Delays or Grievances done to them; and they ſhall have Power to cauſe to come before them at *Weſtminſter*, or elſe where the Places of any of them ſhall be, the Tenor of Records and Proceſſes of ſuch Judgements ſo delayed, and to cauſe the ſame Juſtices to come before them, which ſhall be then preſent, to hear their Cauſe

Co. Lit. 71. b. 22 Ed. 3. f. 3.

Ex Rot. in Turr. Lond.

'Cauſe and Reaſons of ſuch Delays; which Cauſe and Reaſon ſo heard, by good Advice of themſelves, the Chancellor, Treaſurer, the Juſtices of the one Bench and of the other, and other of the King's Council, as many and ſuch as they ſhall think convenient, ſhall proceed to take a good Accord, and make a good Judgement; and according to the ſame Accord ſo taken, the Tenor of the ſaid Record, together with the Judgement which ſhall be accorded, ſhall be remanded before the Juſtices, before whom the Plea did depend, and that they haſtily go to give Judgement according to the ſame Record; and in caſe it ſeemeth to them, that the Difficulty be ſo great, that it may not well be determined without Aſſent of the Parliament, That the ſaid Tenor or Tenors ſhall be brought by the ſaid Prelate, Earls, and Barons, unto the next Parliament, and there ſhall be a final Accord taken what Judgement ought to be given in this Caſe; and according to this Accord it ſhall be commanded to the Judges, before whom the Plea did depend, that they ſhall proceed to give Judgement without Delay. And to begin to do Remedy upon this Ordinance, it is aſſented, that a Commiſſion and a Power ſhall be granted to the Archbiſhop of *Canterbury*, the Earls of *Arundel* and *Huntington*, the Lord of *Wake*, and the Lord *Ralfe Baſſet*, to endure till the next Parliament. And though the Miniſters have made an Oath before this Time, yet nevertheleſs to remember them of the ſame Oath, it is aſſented, that as well the Chancellor, Treaſurer, Keeper of the Privy Seal, the Juſtices of the one Bench and of the other, the Chancellor, Barons of the Exchequer, as the Juſtices aſſigned, and all they that do meddle in the ſaid Places under them, by the Advice of the ſame Archbiſhop, Earls, and Barons, ſhall make an Oath well and lawfully to ſerve the King and his People. And by the Advice of the ſaid Prelate, Earls and Barons, be it ordained to increaſe the Number of the Miniſters when need ſhall be, and them to diminiſh in the ſame Manner; and ſo from Time to Time, when Officers ſhall be newly put in the ſaid Offices, they ſhall be ſworn in the ſame Manner.'

oyer lour cauſe & lour reſons des tieux delaies queux cauſe & reſon enſi oiez par bon avis de eux meiſmes des Chancellier Treſorer Juſtices del un Bank & del autre & autres de counſeil le Roi taunz & tieux come ils verront qe buſoignables ſerront aillent avant a prendre bon acorde & bon juggement faire & ſelonc meiſme laccord enſi pris ſoit remande as Juſtices devant queux le plee pent le tenur du dit record enſemblement ove tieu juggement qe ſerra acorde & qe eux aillent haſtivement a juggement rendre ſolonc meiſme laccord. Et en cas qe lour ſemble qe la difficulte ſoit ſi grande qele ne poet pas bonement eſtre termine ſanz aſſent du parlement ſoit la dit tenour ou tenours portez par les ditz Prelat Contes & Barons a proſchein parlement & illoeqes ſoit pris final acord queu juggement ſe devera faire en tiel cas & ſelonc cel acord ſoit mande a Juſtices devant quieux le plee pent qils aillent a juggement rendre ſanz delay. Et pur comencier a faire remedie ſur ceſt eſtabliſſement ſi eſt aſſentuz qe commiſſion & poair ſoit fait a Lercevеſqe de Canterbirs les Contes dArundell & de Huntingdon le Seignur Wake & monſieur Rauf Baſſet adurer tanqe a prochein parlement. Et coment qe les miniſtres eient fait ſerement avant ces heures ne pur quant pur eux rementiner de meſme le ſerement ſi aſſentuz qe auſſi bien Chauncellier Treſorer Gardein du Privee Seal Juſtices del un Bank & del autre Chancellier & Barons del Eſcheqer come Juſtices aſſinez & touz ceux qe ſe meddlent es dites places deſoutz eux ſelonc laviſement des ditz Erceveſque Contes & Barons facent ſerment de bien & loialment ſervir au Roi & au poeple. Et par aviſement des avantditz Prelat Contes & Barons ſoit ordene dencreſtre le nombre des miniſtres par la ou il buſoigne & de le amenuſer en meſme la manere & iſſint de temps en temps quant officers ſerront novelement mys en les ditz offices ſoient en la manere avantdite ſerementez.

The Officers Oath to ſerve the King and his People.

27 El. c. 8. *for Redreſs of erroneous Judgments in B. R.* Regiſt. 17. Raſt. 302.

CAP. VI.

A Record which is defective by Miſpriſion of a Clerk, ſhall be amended.

'ITEM it is aſſented, That by the Miſpriſion of a Clerk in any Place whereſoever it be, no Proceſs ſhall be adnulled, or diſcontinued, by miſtaking in Writing one Syllable, or one Letter too much or too little; but as ſoon as the Thing is perceived, by Challenge of the Party, or in other Manner, it ſhall be haſtily amended in due Form, without giving Advantage to the Party that challengeth the ſame becauſe of ſuch Miſpriſion.'

ITEM eſt aſſentu & eſtabli qe par miſpriſion du clerc en quecunque place qe ce ſoit ne ne ſoit proces anientiz ne diſcontinues par meſprendre en eſcrivant un letre ou un ſilable tropp ou trop poi mes ſi tot qe la choſe ſoit aparceu par chalenge du partie ou en autre manere ſoit haſtivement amende en due forme ſanz doner avantage a partie qe ce chalange par cauſe de tieu meſpriſion.

5 Co. 45. 8 Co. 157. Bro. Amend. 9, 10, 18, 20, 24, 27, 32, 113. Explained by 9 H. 5. *ſtat.* 1. c. 4. *See farther Index, tit.* Amendment.

CAP. VII.

How long a Sheriff ſhall tarry in his Office.

"ITEM, Becauſe that ſome Sheriffs have their Bailiwicks for Term of Years of the King's Grant, and ſome do ſo much truſt to tarry in their Office by Procurement, that they be encouraged to do many Oppreſſions to the People, and evil Service to the

ITEM pur ce qe aſcuns viſcontes ont lour baillies a terme des ans du grant le Roi & aſcuns ſe fient tant de lour long demoere en lour baillie par procurement qils ſont eſbaudiz de faire moultz des oppreſſions au poeple & de mal ſervire au Roi & a ſon

Ex Rot. in Turr. Lond.

ſon poeple ſi eſt aſſentuz & eſtabli qe nul viſcount demoerge en ſa baillie outre un an & adonqes ſoit autre covenable ordene en ſon lieu qad terre ſuffiſante en ſa baillie par les Chauncellier Treſorer & chief Baron de Leſcheqer pris a eux les chiefs Juſtices del un Bank & del autre ſils ſoient preſentz & ce ſoit fait cheſcun an lendemein des Almes a Leſcheqer.

"King and his People;" 'it is aſſented and eſtabliſhed, That no Sheriff ſhall tarry in his Bailiwick over 'one Year, and then another convenient ſhall be 'ordained in his Place, that hath Land ſufficient in his 'Bailiwick, by the Chancellor, Treaſurer, and chief 'Baron of the Exchequer, taking to them the chief 'Juſtices of the one Bench and of the other, if they 'be preſent; and that ſhall be done yearly in the 'Morrow of *All Souls*, at the Exchequer.' 28 Ed. 1. ſtat. 3. c. 8. *Enforced by* Years. *And ſee* that Time.

28 *Ed.* 3. *c.* 7. 42 Ed. 3. c. 9. 23 H. 6. c. 7. *See* 1 *R.* 2. *c.* 11. *declaring that none who have been Sheriffs ſhall ſerve again within three further* 12 *Ed.* 4. *c.* 1. *and* 17 *Ed.* 4. *c.* 7. *empowering Sheriffs to occupy their Offices during Michaelmas and Hilkary Terms, unleſs diſcharged before*

CAP. VIII.

How many Eſcheators may be in the Realm, and how long they ſhall continue in Office.

ET come en aſcuns temps avant ces heures il navoit forſque deux eſchetours en Engleterre ceſt aſſavoir un eſchetour de cea Trente & un autre de dela pur quoi le Roi et le poeple furent meins bien ſerviz qe avant ces houres neſtoient quant il y aveit plus des eſchetours & de meindre eſtat ſi eſt aſſentuz & acorde qe deſore en avant ſoient tauntz des eſchetours aſſignez come eſtoient en le temps quant le Roi qe ore eſt priſt le governement de ſon Roialme dEngleterre & qe meſmes les eſchetours ſoient eſluz par les Chauncellier Treſorer & chief Baron de LEſcheqer pris a eux les chiefs Juſtices del un Bank & del autre ſils ſoient preſentz en manere come eſt ſuſdit des viſcountes & qe nul eſchetour demoerge en ſon office outre un an & qe nul coroner ſoit eſluz ſil neit terre en fee ſuffiſauntment en meſme le contee dont il purra reſpondre a tote manere des gentz.

"ITEM, Whereas ſometime there were no more "but two Eſcheators in *England*, that is to ſay, one "Eſcheator on this Side *Trent*, and another beyond, "whereby the King and the People were worſe ſerved "than in the Time when there were divers Eſcheators, and of leſs Eſtate;" 'it is aſſented and accorded, That from henceforth there ſhall be as many 'Eſcheators aſſigned, as were in the Time when the 'King that now is did take the Governance of this 'Realm upon him; and that the ſame Eſcheators be 'choſen by the Chancellor, Treaſurer, and the chief 'Baron of the Exchequer, taking to them the chief 'Juſtices of the one Bench and the other, if they be 'preſent, in Manner as is aforeſaid of Sheriffs; and 'that no Eſcheator tarry in his Office above a Year; 'and that no Coroner be choſen unleſs he have 'Land in Fee ſufficient in the ſame County, whereof 'he may anſwer to all Manner of People.' 42 *Ed.* 3. *c.* 5. 12 *Ed.* 4. *c.* 9. *and enforced and amended by* 1 H. 8. c. 8. *which direct what Eſtate in Land Eſcheators ſhall have.*

CAP. IX.

Sheriffs ſhall keep Hundreds in their own Hands, or let them upon the old Rent. There ſhall be but one Bailiff errant in one County.

ET pur ce qe moultz de meſchiefs ſont avenuz par my le Roialme de ce qe les viſcountes ount leſſez les hundreds & les wapentaks a plus haut ferme qils ne rendent au Roi & meſmes les fermors les leſſent as autres plus chier des grandes ſomes en tieu manere par ſi haute lees & enhanſier des fermes & plus grant nombre des baillifs errantz outriders & autres qe les viſcontes baillifs & hundreders y mettent ſi eſt le poeple en diverſe manere charge & greve ſi eſt aſſentuz & acorde qe deſore en avant touz les wapentaks & hundreds qe ſont ſeveriz des countees ſoient rejointz a meſmes les countees auſſi come avant ces hures eſtoit acorde par autre eſtabliſſement & qe les viſcountes les tiegnent en lour main demeigne et y mettent tieux baillifs & hundreders eiantz terres deinz meſmes les baillies & hundredz pur queux ils voillent reſpoundre. Et ſils voillent aſcuns hundredz baillies ou wapentaks leſſer a ferme ſi les leſſent al auncien ferme ſanz rien encreſtre. Et qe par tieux baillifs et hundreders et lour ſoutzbaillifs le Roi & le poeple ſoient ſerviz en ouſtant pur touz jours touz les outriders & autres qe en divers countees avant ces heures notoriement ont deſtruit le poeple. Et qe nul baillif errant ne ne ſoit forſque en les countees ou baillif errant ad eſte avant ces hures en temps

"ITEM, Whereas many Miſchiefs be happened "through the Realm, for that the Sheriffs have let "the Hundreds and Wapentakes to an higher Ferm "than they yield to the King, and the Fermors "do let the ſame to other at higher and greater "Sums, in ſuch Manner that by the high letting and "enhanſing of the Ferms, and by the great Number "of Bailiffs, Errants, Out-riders, and other whom the "Sheriffs, Bailiffs, and Hundreders do put in, the "People be in divers Manners charged and grieved;" 'it is aſſented and accorded, That from henceforth all 'the Wapentakes and Hundreds which be ſevered 'from the Counties, ſhall be rejoyned to the ſame 'Counties, as before this Time hath been eſtabliſhed 'by another Statute; and that the Sheriffs hold the 'ſame in their own Hands, and put in ſuch Bailiffs 'and Hundreders, having Lands within the Baili- 'wicks and Hundreds, for whom they will anſwer. 'And if they will let any Hundreds, Bailiwicks, or 'Wapentakes to Ferm, they ſhall let the ſame at 'the ancient Ferm without any Thing increaſing. 'And that the King and his People be ſerved by ſuch 'Bailiffs and Hundreders, and their Under-Bailiffs, in 'avoiding for ever the Outriders and other, which in 'divers Counties beforetime have notoriouſly grieved 'the People. And that no Bailiff Errant be but 'in the Counties where Bailiffs Errants have been in 'Times

Hundreds and Wapentakes let to Ferm. Regiſt. 178.

4 Ed. 3. c. 15.

Skinner 41.

Ex Rot. in Turr. Lond.

'Times paſt, in the Time of the King's Grandfather that now is; and that there be no more but one Bailiff Errant in one County. And in the ſame Manner it is aſſented, That all other, of what Eſtate or Condition they be, which have Bailiwicks or Hundreds in Fee, if they the ſame will hold in their own Hands, then they ſhall put in ſuch Bailiffs for whom they will anſwer; and if they will let the ſame in Ferm to other, then they ſhall let the ſame at the ancient Ferm without any Thing increaſing, as afore is ſaid. And the Juſtices of the one Bench and the other, the Barons of the Exchequer, and the Juſtices aſſigned, ſhall have Power to inquire of all thoſe that offend againſt this Ordinance, at all Times that they come into the Country, and to execute ſuch Puniſhment as to them ſhall ſeem convenient to be done according to the Law and Reaſon. And if the Sheriffs or their Fermors be found in Default in any Point againſt this Ordinance, and thereof be attainted, the Hundreds and Wapentakes where ſuch Default ſhall be found, ſhall be taken into the King's Hands, and let to other by the ſame Juſtices, and to commit them to Priſon, there to remain till they have made Fine and Ranſom to the King according to the Quantity of the Treſpaſs; and nevertheleſs they ſhall anſwer to the King of the whole Ferm. And that the Lords which hold Hundreds or Wapentakes in Fee, ſhall ſet ſuch Bailiffs which be ſufficient to anſwer the King and his People; and if their Bailiffs do againſt this Ordinance, they ſhall be called to anſwer; and if they be attainted, they ſhall have ſuch Puniſhment as the Law of the Land requireth in ſuch Caſe, and they ſhall be out of their Bailiwicks for ever, and other ſufficient put in their Places by the ſame Lords.'

There ſhall be but one Bailiff errant in one County.

Who ſhall have Authority to puniſh the Offenders.

The Puniſhment of the Offenders.

4 H. 4. c. 5. 23 H. 6. c. 9. *prohibit Sheriffs from letting their Hundreds, &c.*

le Roi lael et en nulle manere ne ſoient plus des baillifs errantz forſque un ſoule en un contee. Et en meſme la manere eſt aſſentuz qe touz autres de quel eſtat ou condition qils ſoient qe ont baillies ou hundredz en fee ſils les voillent tenir en lour main demeigne adonqes y mettent teux baillifs pur queux ils voillent reſpoundre & ſils les voillent leſſer a ferme as autres qils les leſſent al auncion ferme ſanz riens encreſtre come eſt ſuſdit. Et denquere ſur touz ceux qe veignent al encountre de ceſt eſtabliſſement ſi eient les Juſtices del un Bank & del autre Barons de Leſcheqer & Juſtices aſſignez poair a toutes les foitz qils veignent en pays & affaire tieu puniſſement ſelonc ceo qe lour ſemble qe ſoit affaire ſelonc lei & reſon. Et ſi viſcountes ou lour fermers ſoient trovez en defaute en nulle point countre ceſt eſtabliſſement et de ceo ſoient atteintz ſoient les hundredz et les wapentaks dedeinz queux tieles defautes ſerront trovez pris en la main le Roi et leſſez as autres par les ditz Juſtices & eux commandez a la priſone a y demorer tantqe ils eient fait fin et raunceon au Roi ſelonc la quantite du treſpas & nient meins reſpoignent au Roi de lentier de la ferme. Et qe les Seignurs qe tienent hundredz ou wapentaks en fee mettent tieux baillifs qe ſoient ſuffiſantz a reſpondre au Roi & au poeple & ſi lour baillifs facent countre ceſt eſtabliſſement ſoient appellez en reſpouns et ſils ſoient atteintz ſoient puniz & eient tieu juggement come la ley de la terre le demande en tieu cas & ſoient ouſtez de lour baillies pur touz jours & autres ſuffiſantz mys en lour lieus par meſmes les Seignurs.

CAP. X.

Sheriffs ſhall have the keeping of Gaols. A Priſoner by Dureſs becometh an Approver.

4 Co. 34. 3 Inſt. 91. *Enforced by* 19 H. 7. c. 10.

"ITEM, in the Right of the Gaols, which were wont to be in ward of the Sheriffs, and annexed to their Bailiwicks;" 'it is aſſented and accorded, That they ſhall be rejoined to the Sheriffs, and the Sheriffs ſhall have the Cuſtody of the ſame Gaols, as before this Time they were wont to have; and that they ſhall put in ſuch Keepers for whom they will anſwer. And if it happen that the Keeper of the Priſon, or Under-Keeper, by too great Dureſs of Impriſonment, and by Pain, make any Priſoner that he hath in his Ward to become an Appellor againſt his Will, and thereof be attainted, he ſhall have Judgement of Life and of Member. And that the King's Juſtices, before whom ſuch Caſes ſhall happen, ſhall enquire the Truth thereof; and if they find by Inqueſt thereupon taken that any Keeper or Under-Keeper hath done the ſame, he ſhall be thereof arraigned; and if he be found guilty, he ſhall have Judgement of Life and Member as afore is ſaid.'

It ſhall be Felony for a Gaoler to cauſe a Priſoner to become an Approver. 1 Ed. 3. ſtat. 1. c. 7.

ITEM en droit des gaoles qe ſoleient eſtre en garde des viſcontes & annexez a lour baillies aſſentuz eſt & acordez qils ſoient rejointz a les viſcontez & eient les viſcountes la garde des dites gaoles come avant ces houres ſoleient avoir & y mettent tieux gardeins pur queux ils voillent reſpondre. Et ſil aveigne qe gardeyn du priſone ou ſoutz gardein par trop grande durete de priſone & par peine face nul priſon qil eit en ſa garde devenir appellour countre ſon gree & de ceo ſoit atteint eit miſe de vie & de membre. Et qe Juſtices le Roi devant queux tieu cas avendra enquergent ſur ce la verite & ſils troeſſent par enqueſte ſur ce priſe qe nul gardein ou ſouthgardein leit fait ſoit de ceo areſne & ſil ſoit trove coupable eit miſe de vie & de membre come deſus eſt dit.

CAP. XI.

A Clerk of the Statutes ſhall have ſufficient, and be reſident upon his Office.

'ITEM it is aſſented and eſtabliſhed, That every Clerk which ſhall be deputed to receive Recognizances in Cities and Boroughs, according to the Statute Merchant, ſhall abide in proper Perſon to do his

ITEM eſt aſſentuz & eſtabli qe cheſcun clerc qe ſerra depute a receivre les reconiſances en citees & en burghs ſelonc leſtatut marchant demoerge en propre perſone pur faire loffice ſelonc ce qe eſt contenu

Ex Rot. in Turr. Lond.

tenu en leſtatut de Acton Burnel & qe il eit terres ſuffiſantes en meiſme le contee dont il purra reſpoundre a touz ſil meſpreigne. Et ſi nul autre ſoit en tial office ſoit remue & autre covenable mys en ſon lieu.

'Office, according as is contained in the Statute of *Acton Burnel*; and that he have Lands ſufficient in the ſame County, whereof he may anſwer to all Perſons if he offend. And if any other be in the ſame Office, he ſhall be removed, and another convenient ſet in his Place.' 13 Ed. 1. ſtat. 1. c. 45. Acton Burnel. 11 Ed. 1.

CAP. XII.

Buſhels and Weights ſhall be made and ſent into every County.

ITEM come il ſoit contenuz en la Grande Chartre qe une meſure & un poys ſoit par my toute Engleterre & auxint contenuz ſoit en un eſtatut fait el temps le Roi EDWARD aiel le Roi qoreſt qe nul ne vende par buſſel ſil ne ſoit merche du ſeal le Roi & qil ſoit acordant a leſtandard le Roi & auxint y eſt contenuz qe celui qe ſerra atteint qil eit double meſure ceſt aſſaver un plus grande pur achater & un autre meindre pur vendre ſoit empriſone come fauſour & grevement puny queles choſes nent my eſte tenuz ne uſez puis les ditz eſtabliſſementz a grant grevance du poeple ſi eſt aſſentuz & acorde qe deſore en avant un meſure & un pois ſoit parmy toute Engleterre & qe le Treſorer face faire certaines eſtandardz de buſſel de galon de poys darreiſne & les face mander en cheſcune countee par la ou tielx eſtandardz ne ſont pas avant ces hures mandez & ſur cei ſoient aſſignez deux bons & ſuffiſantz en cheſcun counte & plus ſolonc ceo qe la countee eſt graunt de ſurveer auſſibien deinz franchiſe come dehors qe les meſures & les poys ſoient acordantz a les eſtandardz & qils eient poair denquere oyer & terminer & de punir touz ceux qe ſerront trovez en coupe et qe les viſcountes a lour mandement les receivent & les reteinent en priſone tanqe ils eint fait fin au Roi. Et ſoit oy cheſcun qe pleindre ſe voudra de tieux qe meſparnent en vendant ou en achatant auſſibien pur le Roi come pur lui meſmes.

Et qe les ditz aſſignez liverent lour eſtretes cheſcun an a lendemeyn Seint Michel a Leſcheqer & priegnent pur lour deſpens la quarte partie de ce qils pount lever & reſpoignent au Roi de les trois parties & de ce qe ne poet eſtre leve avant lour profre ſoit la quart partie allowe a eux a Leſcheqer & les trois parties levez al oeps le Roi. Et neſt pas lentention le Roi qe le clerc du marchee ne face ſon office par la ou il vendra ſelonc ce qil ſoleit faire avant ces hures ne qe les Seignurs des fraunchiſes ne ſoient ouſtiez de lour franchiſes par cauſe de ceſt eſtabliſſement.

"ITEM, Where it is contained in the Great Charter, that one Meaſure and one Weight be throughout *England*; and alſo it is contained in a Statute made in the Time of King EDWARD, Grandfather to the King that now is, that none ſhall ſell by the Buſhel, if it be not marked with the King's Seal, and that it be according to the King's Standard; and alſo it is contained, that he which ſhall be attainted for having double Meaſure, that is to ſay, one greater to buy, and another leſs to ſell, ſhall be impriſoned as falſe, and grievouſly puniſhed; which Things have not been holden nor uſed after the ſaid Eſtabliſhment, to the great Grief of the People;" 'it is aſſented and accorded, That from henceforth one Meaſure and one Weight ſhall be throughout the Realm of *England*; and that the Treaſurer cauſe to be made certain Standards of Buſhels, Gallons, of Weights of * Auncel, and ſend the ſame into every County where ſuch Standards be not ſent before this Time; and thereupon ſhall be aſſigned two good and ſufficient Perſons in every County, and more, according as the County in Greatneſs requireth, to ſurvey as well within Franchiſe as without, that the Meaſures and the Weights be according to the Standard, and that they have Power to inquire, hear, and determine, and to puniſh all thoſe that ſhall be found thereof guilty; and that the Sheriffs at their Commandments receive and detain them in Priſon till they have made Fine to the King. And every Perſon that will complain of ſuch as do offend in Buying or Selling ſhall be heard, as well for the King, as for himſelf.'

9 H. 3. ſtat. 1. c. 25. 51 *H.* 3. *ſtat.* 1. 31 *Ed.* 1. 27 Ed. 3. ſtat. 2. c. 10. *inflicts Penalty on Offenders.* Ordin. pro. piſtor. c. 8. * Braſs.

'II. And that the ſaid Aſſignees ſhall deliver their Eſtreates every Year in the Morrow of Saint *Michael*, at the Exchequer, and take for their Expences the fourth Part of that which they may levy, and anſwer to the King the three Parts; and of that which may not be levied before their Profer, the fourth Part ſhall be allowed to them at the Exchequer, and the three Parts levied to the King's Uſe. And it is not the King's Mind, but that the Clerk of the Market ſhall do his Office where he will, according as he was wont to do in Times paſt; nor the Lords of Franchiſes ſhall not be ouſted of their Franchiſes by the Occaſion of this Ordinance.'

1 Salk. 327. The Clerk of the Market. *See farther Index, tit.* Weights and Meaſures.

CAP. XIII.

Eſcheators ſhall make no Waſte in the Lands of the King's Wards. A Ward ſhall have an Action of Waſte againſt his Guardian.

ITEM come en la Grand Chartre ſoit contenuz qe apres la mort des aunceſtres qe tiegnent du Roi en chief & des queux les heirs ſont deinz age qe le Roi face garder les terres ſanz waſt & deſtruction & les rend entierement a les heirs quant ils vendront a la plein age & encountre Dieu & droit & les ditz eſtabliſſementz les eſchetours & autres as queux les terres de tieux heirs ount eſte commis ont fait waſt & deſtruction

9 H. 3. ſtat. 1. c. 4, 5. 6 Ed. 1. ſtat. 1. c. 5. 28 Ed. 1. ſtat. 3. c. 18. 36 Ed. 3. c. 13.

Ex Rot. in Turr. Lond.

ſtruction a grant meſchief auſſibien des heirs des Countes Barons & autres grantz come dautres qe tiegnent du Roi en chief & nient miens les eſchetours nount en conſciencie de faire tieux deſtructions & cheytivement ont reſponduz au Roi par quei eſt aſſentuz & eſtabli qe deſore enavant apres la mort de cheſcun qe tient du Roi en chief qe eſchetour face ſeiſir en la mein le Roi les terres come appent ſanz waſt faire en meſons boys parcs viveres ou autres extorſions qe peuſſent eſcheer au damage del heir & haſtivement apres le Diem clauſit extremum a lui liveree le face retournit par bone & veritable extente en Chancellerie apres queu retourn ſi trove ſeit qe leir ſoit deinz age & les proſcheines amys le dit heir as queux leritage ne poet deſcendre viegnent & ſe offrent a prendre les dites terres rendent la value au Roi tantqe al age leir ſi avant come autres voillent rendre ſanz fraude par acorde entre les Chanceller & Treſorer eient commiſſion a garder les dites terres par bone & ſuffiſant ſeurte tanqe al age les ditz heirs & a reſpoundre au Roi de la value. Et neſt pas lentention le Roy qe par ceſt eſtatut il ſoit forclos daver ſa action de waſt devers tieux gardeins & fermers ſi come lui & ſes aunceſtres ont eu avant ces houres & qe les heirs quant ils vendront a lour age aient lour action par brief de Waſt devers tieux gardeins & fermers.

The next o Kin to the King's Ward may take in Ferm his Land. 32 H. 8. c. 46. Fitz Waſte, 62, 75, 80, 97, 98, 117, 126, 136, 137, 139, 142. The Heir may have an Action of Waſte. Raſt. 693. Regiſt.

72. *Obſ. by* 12 Car. 2. c. 24. *which takes away Wardſhip by Reaſon of Tenure.*

CAP. XIV.

There ſhall be but four Writs of Search for the King. Nothing ſhall hinder the Execution of Juſtice.

" ITEM, Whereas before this Time, in caſe that " a Man hath demanded by Petition in the Par- " liament certain Lands and Tenements which be in " the King's Hands, and to the ſame Petitions hath " been anſwered in the ſame Parliament, Chancery, " or the King's Bench, that the King will that a " Writ be ſued to the Treaſurer and Chamberlains of " the Exchequer, to ſearch Charters, Miniments, " and other Remembrances, which may him avail, " whereby he may be adviſed to make Anſwer; to " which Writs commonly the Treaſurer and Cham- " berlains have anſwered, that they have ſearched but " not by-ſearched, and would not anſwer that they " have fully ſearched, and nothing found, nor that " they can no more find, but that which they have " ſent, whereby according to the Law afore this Time " uſed, a Man hath not had cauſe to put them which " be for the King to anſwer, and in ſuch Manner the " Demandants have been greatly delayed to their " Miſchief;" ' Wherefore it is aſſented, That after ' that the four Writs be returned, whether the Mini- ' ment or Remembrance be found for the King, or ' not, that then in the Parliament, Chancery, or in ' the King's Bench, or in the Common Bench, they ' which ſhall ſue for the King ſhall be put to anſwer, ' and to defend the Lands and Tenements ſo de- ' manded againſt the King, to the beſt that they can ' or may according to the Law, ſo always that every ' of the four Writs be delivered to the Treaſurer and ' to the Chamberlains forty Days before the Day of ' the Return; and that by Commandment of the ' Great Seal, or Privy Seal, no Point of this Statute ' ſhall be put in Delay; nor that the Juſtices of what- ' ſoever Place it be, ſhall let to do the Common Law ' by Commandment, which ſhall come to them under ' the Great Seal or Privy Seal.'

Raſt. 462. 9 Ed. 4. f. 51. Kel. 178. Fitz. Petit. 9.

The Great or Privy Seal ſhall not hinder the Execution of Juſtice. 2 Ed. 3. c. 8. 5 Ed. 3. c. 9. Regiſt. 186.

ITEM come avant ces houres en cas homme ad demaunde par petition du parlement certeines terres & tenementz qe ſont en la mein le Roi & a les dites petitions eit eſte reſpondu en dit parlement Chancellerie ou en Bank le Roi qe le Roi voet qe brief ſoit ſwy as Treſorer & Chaumbreleins pur ſerchier chartres monumentz & autres remembrances qe lui pount valer par quoi il puiſſe eſtre aviſe a faire reſpouns as queux briefs comunement le Treſorer & Chaumbreleins ont reſpondu qils ount ſerche mes nemy parſerche & nount pas volu reſpoundre qils ount pleinement ſerche & riens ne troevent ne qils poent plus trover fors ce qils ont mande par quoi per la ley avant ceſte hure uſee homme nad my eu cauſe a mettre ceux qe ſont pur le Roi a reſpouns & en tieu manere les demandantz ont eſte grantement delaiez a meſchief de eux par quoi eſt aſſentuz qe apres qe les quatre briefs ſoient retournez le quel qe monyment ou remembrance ſoit trove pur le Roi ou nemy qe adonqes en parlement Chancellerie ou en Bank le Roi ou en commune Bank ſoient ceux qe ſont pur le Roi mys a reſpouns & a defendre les terres & tenementz enſi demandez devers le Roi a meutz qils ſaveront ou purront ſelonc la lei enſi totes foitz qe cheſcun des quatre briefs ſoit liveree as Treſorer & Chaumbreleins quarante jours devant le jour de retourn & qe par mandement de grant ſeal ne de prive ſeal nul point de ceſt eſtatut ne ne ſoit mys en delay ne qe Juſtices de quecumque place qe ſe ſoit leſſent a faire commune lei pur maundement qe les vendra deſoutz le grant ſeal ou privee ſeal.

9 H. 3. ſtat. 1. c. 29. *Enforced by* 11 *Rich.* 2. *c.* 10. *and* 16 *Car.* 1. *c.* 10. *which regulates the Privy Council, and takes away the Star Chamber.*

CAP. XV.

No Pardon for Felony, but where the King may do it ſaving his Oath.

" ITEM, Becauſe by divers Statutes made before " this Time in divers Parliaments it was aſſented, " that no Charter of Pardon of the Death of a Man " ſhould be granted by the King, but in caſe where he " may do it keeping the Oath of his Crown; which

6 Ed. 1. c. 9. 2 Ed. 3. c. 2.

ITEM pur ce qe par divers eſtatutz avant ces houres faites en divers parlementz ſi fut aſſentuz qe nul chartre de pardoun de mort de homme ne ſerroit fait par le Roi mes en cas qil le poet faire gardant le ſerement de ſa Coroune les queux eſta-

tutz

Ex Rot. in Turr. Lond.

tutz ne ount pas eſte tenuz einz ount eſte chartres ſanz nombre grantez as divers larons & homicides a mal enſample & affrai des bones gentz & loialx par quoi les larons & meffeſours ſont comfortez affaire lour roberies & homicides & les fount de jour en autre & plus ſont eſbaudiz a le faire par cauſe de eſpoir davoir lour chartres de pardoun legerement ſi eſt aſſentuz acorde & eſtabli qe nul chartre de pardon de mort de homme ne dautre felonie ne ne ſoit deſore enavant grante a nul forſqe en cas ou le Roi poet faire ſauvant le ſerement de ſa corone ſi come eſt contenuz en les eſtatutz avant ces houres faitz & ſi nulle chartre ſoit deſore grante contre les ditz eſtatutz qele ſoit tenu pur nulle.

" Statutes have not been holden, but Charters have
" been granted without Number to divers Felons and
" Manſlayers, to the evil Example and Fear of good
" People and lawful, whereby Thieves, Felons, and 6 Co. 13.
" Offenders be comforted to do their Robberies and 10 Ed. 3. ſtat. 1.
" Man-ſlaughter, and the ſame do from Day to Day, c. 2.
" and the more be encouraged to do the ſame, becauſe
" of Hope eaſily to have their Charters of Pardon;"
' it is aſſented, eſtabliſhed, and accorded, That no
' Charter of Pardon of the Death of a Man, nor of
' other Felony, ſhall be from henceforth granted to
' any Man, but in caſe where the King may the ſame
' do ſaving the Oath of his Crown, as it is contained
' in the Statutes made before this Time; and if any
' Charter be from henceforth granted againſt the ſaid
' Statutes, the ſame ſhall be holden for none.'

CAP. XVI.

Before what Perſons *Niſi Prius* may be granted.

ITEM come avant ces houres ſoit eſtabli qe les enqueſtes & jurrez qe ſont aprendre auſſibien de Bank le Roi come de commune Bank fuiſſent pris devant un ou deux Juſtices de meiſmes les places ſi come eſt contenuz en meiſme les eſtabliſſementz & ja ſi eſt notoriement veu & conu qe diverſes enqueſtes & jurrees ont eſte aprendre & encore ſont en divers contees Engleterre ou nul Juſtice neſt venu a grant meſchief des parties qe ſuent & auſſi des bones gentz du pays qe ſont mys en panel par quoi eſt aſſentuz & eſtabli qe qi qe ce ſoit qe demande le Niſi prius en Bank le Roi auſſibien a la ſeute le defendant come de pleintiff come avant ces hures ad eſte fait par forme deſtatut qe lui ſoit le niſi prius grante devant aſcun Juſtice de la place ou le plee pent ſi aſcun de la place peuſſe bonement aler en celles parties & ſi nemy adonqes ſoit grante le Niſi prius devant aſcun Juſtice du commune Bank au certein jour qe poet eſtre acorde & tenor du record a lui liveree ou mande deſoutz le ſeal de chief de la Place a queu jour il preigne lenqueſte & retourne le verdit deſoutz ſon ſeal oveſqe le brief la tenour & le panell lequel ſoit receu en Bank le Roi & illoeqes enroule & ſur ce juggement rendu ſolonc le verdit de meſme lenqueſte. Et eit le dit Juſtice du commune Bank poair de recorder defautes & nounſeutes auxi avant come le Niſi prius euſt eſte grante devant aſcun Juſtice du Bank le Roi apres queux defautes iſſint recordez & retournez en Bank le Roi aillent les Juſtices a juggement rendre de meſme le record. En meſme la manere ſoit fait de toutz les plees qe ſont ou ſerront en commune Bank dont les enqueſtes & jureez ſont ou ſerront aprendre en pays par le Niſi prius. Si nul des Juſtices de meiſme la place ne y aille ſoit le Niſi prius grante devant aſcun Juſtice du Bank le Roi affaire come devant eſt dit des Juſtices de commune Bank & la tenour du record a meiſme celui Juſtice maunde qi eit autiel poair come devant eſt dit de Juſtice du commune Bank qeſt aſſigne aprendre les enqueſtes & jurrees du Bank le Roi. Et ſil aveigne qe nul des Juſtices del un Bank ne del autre ne

" ITEM, Whereas before this Time it was eſta- 13 Ed. 1. ſtat. 1.
" bliſhed, That the Inqueſts and Juries which be c. 30.
" to be taken, as well of the King's Bench as of the 12 Ed. 2. ſtat. 1.
" Common Bench, ſhould be taken before one or more c. 3, 4.
" Juſtices of the ſame Place, as it is contained in the 2 Inſt. 422.
" ſaid Eſtabliſhment; and now it is notoriouſly ſeen
" and known, that divers Inqueſts and Juries have
" been taken, and yet be in divers Counties of *Eng-*
" *land*, where no Juſtice did come, to the great Miſ-
" chief of the Parties that do ſue, and alſo of the
" good People of the Country which be impanelled:"
' Wherefore it is aſſented and eſtabliſhed, That who- 33 H. 6. f. 14.
' ſo demandeth the *Niſi prius* in the King's Bench, 16 H. 7. f. 14.
' as well at the Suit of the Defendant, as of the Plain-
' tiff (as before this Time hath been done by the Form
' of the Statute) the *Niſi prius* ſhall be granted before
' any Juſtice of the Place where the Plea dependeth,
' if any of the ſame Place may well go into thoſe
' Parts; and if not, then the *Niſi prius* ſhall be grant- Dyer 163.
' ed before any Juſtice of the Common Bench, at a 2 Ed. 3. c. 16.
' certain Day, which may be accorded, and to deli-
' ver or ſend the Tenor of the Record to him under
' the Seal of the chief Juſtice of the Place, at which
' Day he ſhall take the Inqueſt, and return the Verdict
' under his Seal with the Writ, the Tenor, and the
' Panel, which ſhall be received in the King's Bench,
' and there enrolled, and thereupon Judgement given
' according to the Verdict of the ſame Inqueſt.
' And the ſaid Juſtice of the Common Bench ſhall Niſi Prius may be granted before a Juſtice of another Court, than where the Suit dependeth. 27 Ed. 1. ſtat. 1. c. 4.
' have Power to record Defaults and Nonſuits, as far
' forth as if the *Niſi prius* had been granted before any
' Juſtice of the King's Bench; after which Defaults
' ſo recorded and returned in the King's Bench, the
' Juſtices ſhall go to give Judgement upon the ſame
' Record. And in the ſame Manner be it done of all
' the Pleas which be or ſhall be in the Common
' Bench, whereof the Inqueſts and Juries be or ſhall
' be taken in the Country by *Niſi prius*. And if
' none of the Juſtices of the ſame Place go, the *Niſi*
' *prius* ſhall be granted before any Juſtice of the King's
' Bench, to do as afore is ſaid of the Juſtices of the
' Common Bench; And the Tenor of the Record
' ſhall be ſent to the ſame Juſtice, that he may have
' like Power as afore is ſaid of the Juſtices of the
' Common Bench, which be aſſigned to take Inqueſts
' and Juries of the King's Bench. And if it happen
' that none of the Juſtices of the one Bench nor the

'other may come into the Country where Inqueſts or 'Juries be to be taken, then the *Niſi prius* ſhall be 'granted before the chief Baron of the Exchequer, if 'he be a Man of the Law, and he ſhall have ſuch 'Power as the Juſtices of the one Bench and the other 'have by this Statute. And in caſe that none of 'the Juſtices of the one Bench nor the other, nor the 'chief Baron of the Exchequer, being a Man of the 'Law, do not come into the Country where the In-'queſts and Juries be or ſhall be taken by the *Niſi* 'prius, then the *Niſi prius* ſhall be granted before the 'Juſtices aſſigned to take Aſſiſes in thoſe Parts; ſo 'always that one of the ſaid Juſtices aſſigned be 'Juſtice of the one Bench or the other, or the King's 'Serjeant ſworn: And the ſame Juſtices ſhall have 'ſuch Power as afore is ſaid of the Juſtices of the one 'Bench and of the other. And if the one Party de-'mand the Tenor of the Record to have with him, 'to deliver to the Juſtices before whom the *Niſi prius* 'is granted, for to eſchue that no Fraud or Damage 'be done to the other Party, nor to the People of the 'Inqueſts, another Tenor of the ſame Record ſhall 'be delivered to the other Party, if he the ſame re-'quire. And whereas it hath been another Time 'eſtabliſhed, that the Juſtices before whom the *Niſi* 'prius hath been granted in Pleas of Aſſiſes, of *Dar-'rain preſentment*, and *Quare impedit*, ſhould have 'Power to give the Judgements in the Country upon 'the Verdicts of Aſſiſe, and of Inqueſts, and upon 'Nonſuits and Defaults; it is aſſented, That the 'Juſtices of the one Bench and of the other, the 'chief Baron of the Exchequer, and the Juſtices aſ-'ſigned, before whom the *Niſi prius* is granted by this 'Statute, ſhall have Power to give Judgements in the 'Country, and return the ſame according as it is con-'tained in the Statute of *York* thereupon made.'

12 Ed. 2. ſtat. 1. c. 4. Juſtices of Aſſiſe may give Judgement upon Aſſiſe, Quare impedit and Darrain preſentment.

6 R. 2. *ſtat.* 1. *c.* 5. *Juſtices of Aſſiſe ſhall hold their Seſſions in principal Towns.*

11 R. 2. *c.* 11. *Chancellor and Juſtices ſhall have Power to appoint where Aſſiſes ſhall be held.* *And ſee Index, tit.* Niſi prius.

Ex Rot. in Turr. Lond.

puiſſe venir en pais la ou enqueſtes & jurrees ſont aprendre adonqes ſoit le Niſi prius grante devant le chief Baron del Eſchequer ſil ſoit homme de ley & eit autieu poair come les Juſtices del un Bank ou del autre ont par ceſt eſtatut. Et en cas qe nul des Juſtices del un Bank ne del autre ne le chief Baron del Eſcheqer qi ſoit homme de lei ne viegne en pais ou les enqueſtes & jurrees ſont ou ſerront aprendre par le Niſi prius adonqes ſoit le Niſi prius grante devant Juſtices aſſignez a les aſſiſes prendre en celles parties iſſint toutes foitz qe un des ditz Juſtices aſſignez ſoit Juſtice del un Bank ou del autre ou Serjant le Roi jurree & eient meſmes ces Juſtices autieu poair come devant eſt dit des Ju-ſtices del un Bank & del autre. Et ſi lune partie demaunde la tenour du record devers lui avoir pur liverer a le Juſtice devant qi le Niſi prius eſt grante pur eſchure qe fraude ne damage ne ſoit fait al au-tre partie ne as gentz del enqueſte ſoit un autre te-nour de meſme le record baille a lautre partie ſil le demande. Et come ſoit autre foitz eſtabli qe les Juſtices devant queux le Niſi prius ad eſte grante es plees daſſiſes de darrein preſentment et quare impedit eient poair de rendre les juggementz en pais ſur verditz daſſiſe & denqueſte & ſur nonſeutes & defautes ſi eſt aſſentuz qe les Juſtices del un Bank & del autre chief Baron del Eſcheqer & Ju-ſtices aſſignez devant queux le Niſi prius eſt grante par ceſt eſtatut eient poair de rendre les juggementz en pais & ce retournir ſelonc ce qeſt contenuz en leſtatut dEverwyk ſur ce fait.

CAP. XVII.

A *Juris utrum* maintainable for a Parſon or Vicar.

19 H. 8. f. 7. 8 Ed. 3. f. 5. 40 Ed. 3. f. 28. Fitz. Juris utr. 1, 4. Fitz. Brief, 785. Bro. Dean and Chapt. &c. 2. 2 Roll. 88. 13 Ed. 1. ſtat. 1. c. 24. Co. 399. Regiſt. 32. Raſt. 419.

'ITEM it is aſſented and eſtabliſhed, That Parſons, 'Vicars, Wardens of Chapels, and Provoſts, War-'dens and Prieſts of perpetual Chaunteries, ſhall have 'their Writs of *Juris utrum* of Lands and Tene-'ments, Rents, and poſſeſſions annexed, or given per-'petually in Alms to Vicarages, Chapels, or Chaun-'teries, and recover by other Writs in their Caſe as 'far forth as Parſons of Churches or Prebends.'

ITEM ceſt aſſentuz & eſtabli qe vikeres parſones & gardeins de chapeles & provoſts gardeins & chapelleins des chaunteries perpetueles eient lour brief de Utrum des terres tenementz rentez & poſ-ſeſſiones annexes ou donez perpetuelement en al-moigne as vikeries chapeles ou chaunteries & reco-verir par autres briefs en lour cas auxi avant come parſones des egliſes ou provendres.

CAP. XVIII.

If the Tenant will vouch to Warranty a dead Man, the Demandant may aver that he is dead.

"ITEM, Becauſe the Demandants in Plea of Land "have been often delayed, for that the Tenants "have vouched to Warranty a dead Man, againſt "which Voucher the Demandants before this Time "might not be received to aver that the Vouchee is "dead, to their great Delay and Miſchief;" 'it is 'accorded and eſtabliſhed, That from henceforth if 'the Tenant vouch to Warranty a dead Man, and the 'Demandants will aver that the Vouchee is dead, 'or that there is none ſuch, their averment ſhall be 'received without Delay.'

ITEM pur ceo qe les demandantz en plee de terre ount eſte ſovent delaiez de ce qe les te-nantz ount vouche a garrant un homme mort en-contre queu vouchier les demandantz ne poaient my avant ces heures aver eſte receux daverir qe le vouchier eſt mort a grant delay & meſchief de eux acorde eſt & eſtabli qe deſore en avant ſi le tenant vouche a garrant un homme mort & le demandant voille averer qe le vouche eſt mort ou qil neit nul tiel ſoit laverement de lui receu ſanz plus delay.

CAP.

CAP. XIX.

How Purveyors for the King's Houſe and Wars ſhall make their Purveyance. *In Turr.* Lond.

OBS. *by* 12 Car. 2, c. 24.

CAP. XX.

A Subſidy granted to the King of the Ninth Lamb, the Ninth Fleece, &c. in Regard to Grants, &c. made to the Lords and Commons, and for the King's Wars. EXP.

CAP. XXI.

A Subſidy granted to the King of Wooll, Wooll-fells, and other Merchandiſe exported from *Eaſter* next until the Feaſt of *Penteceſt* Twelvemonth following. EXP.

Other Statutes made Anno 14 EDWARD III. *Stat.* 2. *and* Anno Dom. 1340.

The King's Grant, that the foreſaid Subſidy of the Ninth Lamb, &c. ſhall be no Example, nor prejudicial to his Subjects: All ſhall be ſpent in his Wars.

Rot. in Turr. Lond. *m.* 21.

CAP. II.

All Merchants, being no Enemies, ſhall come into the Realm, and depart quietly.

Ex Rot. in Turr. Lond.

ET come y ſoit contenuz en la Grande Chartre qe toutz marchantz eient ſauve & ſeure conduyt daler hors de noſtre Roialme dEngleterre & de y venir & demorer & aler par my le Roialme dEngleterre auxibien par terre come par ewe a achater & vendre paiantz lour dreits cuſtumes forſpris en temps de guerre Nous a la requeſt des ditz Prelatz Countes Barons & communes voloms & grantoms pur nous & pur noz heirs & ſucceſſures qe touz marchantz denzeins & foreins forſpris ceux qe ſont de noſtre enemite puiſſent ſanz eſtre deſtourbe ſauvement venir en le dit Roialme dEngleterre od lour biens & marchandiſes & ſauvement demorer & ſauvement retourner paiantz les cuſtumes ſubſidz & autres profitz reſonablement ent dues iſſint toutes foitz qe les fraunchiſes & franches cuſtumes reſonablement grantez par nous & par noz aunceſtres a la Citee de Loundres & autres citees burghs & bones villes de noſtre dit Roialme dEngleterre lour ſoient ſauveez.

" ITEM, Where it is contained in the Great Char- Raſt. 5.
" ter, That all Merchants ſhall have ſafe and ſure 9 H. 3. ſtat. 1.
" Conduct to go out of our Realm of *England*, and to c. 30.
" come and abide, and go through the Realm of *Eng-* 9 Ed. 3. *ſtat.* 1.
" *land*, as well by Water as by Land, and to buy and c. 1.
" ſell, paying their Rights and Cuſtoms, but in the *Enforced by* 25
" Time of War;" ' we at the Requeſt of the Pre- Ed. 3. *ſtat.* 4.
' lates, Earls, Barons, and Commons, will and grant c. 2.
' for us and for our Heirs and Succeſſors, That all *See* 16 R. 2. c. 1.
' Merchants, Denizens and Foreigners (except thoſe 5 H. 4. c. 9.
' which be of our Enmity) may without Let ſafely 6 H. 4. c. 4.
' come into the ſaid Realm of *England* with their *putting Merchant*
' Goods and Merchandiſes, and ſafely tarry, and ſafe- *Strangers under*
' ly return, paying the Cuſtoms, Subſidies, and other *ſome Reſtrictions.*
' Profits reaſonably thereof due; ſo always, that Fran- *See likewiſe* 12
' chiſes and free Cuſtoms reaſonably granted by us H. 7. c. 6. *con-*
' and our Anceſtors to the City of *London*, and other *cerning Merchant*
' Cities, Boroughs, and good Towns of our Realm of *Adventurers.*
' *England*, be to them ſaved.'

Franchiſes granted to Cities and Boroughs ſaved.

A Statute made at Weſtminſter April 16*th*, Anno 14 EDW. III. *Stat.* 3. *and* Anno Dom. 1340, *reciting ſome former Grants, and limiting the Cuſtom on Wooll, Plate,* &c. See Appendix.

A Statute

A Statute for the Clergy, made at Weſtminſter *April* 16, Anno 14 Edw. III. *Stat.* 4. *and* Anno Dom. 1340.

9 H. 3. ſtat. 1. c. 1.

" EDWARD by the Grace of God, *&c.* Greeting. Know ye, That whereas in the firſt Article of the Great Charter it is contained, that the Church of *England* be free, and have all her Rights entirely, and Franchiſes not blemiſhed; and alſo in all the whole Eſtabliſhments made as well in Times of our Progenitors, as in our own Time, the ſame Article is often ratified and confirmed: Nevertheleſs in our Parliament holden at *Weſtminſter* the *Wedneſday* next after the *Sunday* of middle *Lent*, it is ſhewed unto us by the Reverend Father in God, *John* Archbiſhop of *Canterbury*, Primate of all *England*, and the other Prelates and Clergy of our Realm, how ſome Oppreſſions and Grievances be done in divers Manners by ſome of our Servants to People of Holy Church, againſt the Franchiſe of the Great Charter and the Eſtabliſhments aforeſaid, which Oppreſſions they ſhew in Petition, praying upon the ſame Remedy. Wherefore we, their Petition ſeen and regarded, and thereupon Deliberation had with the Peers of our Realm, and other of our Council and of the Realm, ſummoned to our ſaid Parliament, and having Regard to the Great Charter, and to other Statutes aforeſaid, and at the Requeſt of the ſaid Prelates and Clergy, which have much aided us, and daily do by the Aſſent and Accord of the ſaid Peers, and of all other ſummoned and being in our ſaid Parliament, have granted and do grant for us and our Heirs and Succeſſors, to the ſaid Prelates and Clergy, the Things underwritten perpetually to endure."

Ex Rot. in Turr. Lond. *m.* 20.

EDWARD par le grace de Dieu Roi dEngleterre & de France & Seignur dIrlaunde as toutz ceux as queux ceſtes lettres vendront ſaluz. Sachiez qe come en le primer article de la Grante Chartre ſoit contenu qe Leſgliſe dEngleterre ſoit fraunke & eit totes ſes droitures entiers & ſes franchiſes nient blemis & auſſi en tut pleins des eſtabliſſementz faitz auxibien en temps de noz progenitours com en noſtre temps ſi eſt meſme larticle ſovent ratifie & afferme ne pur quant en noſtre parlement tenuz a Weſtm' le Meſkerdy en my Quareſme ſi nous eſt monſtre par Lonurable Piere en Dieu J. Erceveſqe de Canterbirs Primat de tote Engleterre les autres Prelatz & le Clerge de noſtre Roialme coment aſcuns oppreſſions & grevances ſont faites en divers maneres par aſcuns noz miniſtres as gentz de ſeinte Egliſe countre lour franchiſes la Grant Chartre & les eſtabliſſementz avantditz les quelles oppreſſions ils miſtrent en petition en priant ſur ceo remedie. Pur quoi nous veue & regarde lour dite petition & ſur ceo eu deliberation oveſqe les pieres de noſtre roialme & autres de noſtre conſeil & du roialme ſomons a noſtre dit parlement & eant regarde a la Grant Chartre & autres eſtabliſſementz ſuſditz & a la requeſte des ditz Prelatz & Clerge qi molt nous ount eide & de jour en autre le fount par acord & aſſent des ditz pere & de toutz autres ſomons & eſteantz en noſtre dit parlement ſi avoms grante & grantons pur nous & pur noz heirs & ſucceſſours as ditz Prelatz & Clerge les choſes deſouth eſcriptes perpetuelement adurer.

2 Ed. 1. c. 1. *Enforced by* 18 Ed. 3. c. 4. 1 R. 2. c. 3. *gives an Action of Treſpaſs againſt Purveyors offending.* 12 Car. 2. c. 24. *takes away Purveyance. But ſee* 13 Car. 2. *ſtat.* 1. *c.* 8. 13 & 14 Car. 2. *c.* 20. *which ſuſpend the* 12 Car. 2. *in favour of the Royal Progreſſes, and of the Navy and Ordnance. See likewiſe the yearly Mutiny Acts.*

CAP. I.

Spiritual Perſons Goods ſhall not be taken by Purveyances without the Owners conſent.

Repealed by 25 Ed. 3. ſtat. 3. c. 2. 1 Co. 356.

CAP. II.

Preſentment to Churches made by the King in another's Right.

CAP. III.

No Biſhop's Temporalties ſhall be ſeiſed without good Cauſe.

" ITEM, We will and grant for us and for our Heirs, That from henceforth we nor our Heirs ſhall not take, nor cauſe to be taken into our Hands, the Temporalities of Archbiſhops, Biſhops, Abbots, Priors, or other People of Holy Church, of what Eſtate or Condition they be, without a true and juſt Cauſe, according to the Law of the Land, and Judgement thereupon given."

1 Ed. 3. ſtat. 2. c. 2. Regiſt. 32. *Enforced by* 25 Ed. 3. *ſtat.* 3. c. 6.

ET volons & grantoms pur nous & pur noz heirs qe deſorenavant nous ne noz heirs ne prendrons ne ne ferroms prendre en noſtre main les temporaltez des Erceveſqes Eveſqes Abbees Priours ou dautres de quel eſtat ou condition qils ſoient ſanz verroie & jouſte cauſe ſelonc ley de terre & juggement ſur ceo la done.

CAP. IV.

How the Temporalties of Biſhops ſhall be uſed in Time of Vacation.

" ITEM, Becauſe that in the Petition of the ſaid Prelates and Clergy it is contained, That Eſcheators and other Keepers, in the Time of Vacation of

ET pur ceo qe en la petition des ditz Prelatz & Clerge ſi eſt contenu qe eſchetours & autres gardeins en temps des voidances des Erceveſchees Eveſchees

Ex Rot. in Turr. Lond.

Eveſchees & autres Prelacies ſi ont fait grant waſt & deſtruction cea en arere ſi volons & grantons pur nous & pur noz heirs qe a totes les foith qe tieux voidances deſorenavant avendront qe noz eſchetours & les eſchetours de noz heirs qe pur temps ſerront entrent & facent bien garder les dites voidances ſanz faire waſt ou deſtruction en manoirs parks vivers ou boys & qils ne vendont ſuthbois nenchacent en parks nen warrennes nen peſchent vivers ne franches peſcheries ne ne gerſonent ne parnount fins des tenauntz fraunks ne bondes einz facent garder & ſalver quantqe appent a les dites voidances ſaunz y faire damage ou auſcun manere des oppreſſions. Et ſi dean & chapitre des egliſes cathedrales priours ſuppriours prioreſſes ſuppriorefſes & coventz des prelacies abbeies ou priouries des queux la voidance atient a nous & a noz heirs voillent rendre a nous & a noz heirs la value des dites voidances auſſi come autres nous voillient rendre reſonablement adonqes eient Chanceller & Treſorer poair de leſſer as ditz dean & chapitre priour ou ſuppriour prioreſſes ſupprioreſſes & covent les dites voidances par bone & ſuffiſaunt ſeurtie enſi qils les eient devant toutz autres rendant a nous la value ſelonc ceo qe ſerra trove par remembraunce de Leſcheqer ou par enqueſt ſur ceo a prendre ſi meſtier ſoit ſaunz fin faire. Et en cas qils ne voillent acorder a rendre la value ne a trover tiele ſeurtie adonqes Chanceller & Treſorer facent ordiner la bone garde de tieux voidances par eſchetours ou autres gardeins ſuffiſantz pur reſpondre au Roi de ceo qe a lui attient reſonablement ſaunz faire waſt ou deſtruction ou autre choſe qe purra tourner a deſheritance des egliſes dont tieux voidances avendront.

"Archbiſhopricks, Biſhopricks, and other Prelacies, "have done great Waſte and Deſtruction in the ſame "in Time paſt;" 'we will and grant for us and for 'our Heirs, That at all Times from henceforth, 'when ſuch Voidances ſhall happen, that our Eſcheators and the Eſcheators of our Heirs, which for the 'Time ſhall be, ſhall enter, and cauſe to be well kept 'the ſaid Voidances, without doing Waſte or Deſtruction in the Manors, Warrens, Parks, Ponds, or 'Woods; and that they ſell no Under-wood, nor 'hunt in the Parks or Warrens, nor fiſh in Ponds, nor 'free Fiſhings, nor ſhall rack nor take Fines of the 'Tenants, free nor bond; but ſhall keep and ſave as 'much as pertaineth to the ſaid Voidances without 'doing Harm, or any Manner of Oppreſſion. And 'if the Dean and Chapter of Churches Cathedral, 'Priors, Subpriors, Prioreſſes, Subprioreſſes, and Co'vents of Prelacies, Abbies or Priories, whoſe Voi'dance pertaineth to us and our Heirs, will render to 'us and our Heirs the Value of the ſaid Voidance, as 'other will reaſonably yield, then the Chancellor and 'Treaſurer ſhall have Power to let the ſaid Dean and 'Chapter, Prior or Subprior, Prioreſs or Subprioreſs, 'and Covent, the ſaid Voidances by good and ſufficient 'Surety, ſo that they ſhall have the ſame before all 'other, yielding to us the Value of them, according 'as ſhall be found by Remembrances of the Exchequer, 'or by Inqueſt to be taken upon the ſame, if need be, 'without making Fine. And in caſe they will not 'accord to yield to the Value, nor find ſuch Surety, 'then the Chancellor and Treaſurer ſhall cauſe to be 'ordained the good Preſervation of ſuch Voidances by 'Eſcheators, or other ſufficient Keepers, to anſwer 'the King of that to him pertaineth reaſonably, with'out doing Waſte or Deſtruction, or other Thing 'which may turn in Diſheriſon of the Churches where'of ſuch Voidances ſhall happen.'

The Dean and Chapter may take them in Farm, if they will.

CAP. V.

Who ſhall demiſe Biſhops Temporalties during the Time of Vacation.

ET pur entierement monſtrer laffection & volente qe nous avons qe ceo qe appartient a Dieu & a ſeinte egliſe ſoit ſauvement garde ſanz waſt deſtruction ou empechement de nous ou de noz miniſtres ſi voloms & par ceſtes noz preſentes lettres grantoms plein poair a noſtre Chanceller & Treſorer qe pris a eux autres de noſtre conſeil tieux come ils verrónt qe ſount aprendre par bone information des remembrances del Eſcheqer & autres informations tieux come mieultz lour ſemblera ſi leſſent les vacations des Erceveſchees Eveſchees Abbeies Priories & autres maiſons dont la voidance a nous appartient as dean & chapitres priours ou ſuppriours prioureſſes ou ſuppriourefſes & coventz a certein a rendre de cheſcun voidance par lan quartre ou moys durantes les vacations ſelonc ceo qe mieultz lour ſemblera ſanz fin faire ſi qe nul eſchetour ou autre miniſtre en temps de vacation neit cauſe ne matire dentrer ou de ſe meddler a faire rien qe ſoit en prejudice des egliſes dont tieux voidances avendront Sauvez a nous & a noz heirs fees des chivalers avoeſons des egliſes eſchetes wardes mariages & releſes & ſervices des ditz fedz. En teſmoignance de quele choſe a ceſtes preſentes lettres avons mys noſtre ſeal. Don' a Weſtm' le xvi jour

"ITEM, Wholly to ſhew the Affection and good "Will which we have, that that pertaineth to God 'and holy Church be ſafely kept without Waſte or 'Deſtruction, or Impeachment to be made thereof by 'us or our Miniſters, we will, and by theſe preſent 'Letters do grant full Power to our ſaid Chancellor 'and Treaſurer, which taking to them other of our 'Council, ſuch as to them ſhall ſeem beſt to be taken, 'by good Information of Remembrances of the Ex'chequer, and other Informations, as to them ſhall 'ſeem beſt, ſhall let the Vacations of Archbiſhopricks, 'Biſhopricks, Abbacies, Priories, and other Houſes, 'whoſe Voidances, pertaineth unto us, to the Dean 'and Chapter, Prior or Subprior, Prioreſs or Sub'prioreſs, and Covent, to yield a certain of every 'Voidance by the Year, Quarter, or Month, during 'the Vacations, according as to them ſhall ſeem beſt, 'without making any Fine; ſo that no Eſcheator 'nor other Miniſter, in the Time of Vacations ſhall 'have Cauſe to enter, or meddle to do any Thing which 'ſhall be in Prejudice of the Churches whereof ſuch 'Voidances ſhall happen; ſaving to us and to our 'Heirs the Knights Fees, Advowſons of Churches, 'Eſcheats, Wards, Marriages, Reliefs, and Services 'of the ſaid Fees. In Witneſs whereof we have made

'theſe

'these our Letters Patents, dated at *Weſtminſter* the Sixteenth of *April*, the Fourteenth Year of our Reign of *England*, and the Firſt of *France*.'

Ex Rot. in Turr. Lond.

dAveril lan de noſtre regne dEngleterre quatorziſme & de noſtre regne de France primer.

Anno 14 EDWARDI III. *Stat.* 5. *and* Anno Dom. 1340.

The Realm and People of *England* ſhall not be ſubject to the King or Kingdom of *France*.

"EDWARD, by the Grace of God, King of "*England* and *France*, and Lord of *Ireland*, to "all thoſe which theſe Letters ſhall hear or ſee "Greeting. Know ye, That whereas ſome People do "think, that by reaſon that the Realm of *France* is "devolved to us as right Heir of the ſame, and foraſ-"much as we be King of *France*, our Realm of *Eng-*"*land* ſhould be put in Subjection of the King and of "the Realm of *France* in Time to come; we having "regard to the Eſtate of our Realm of *England*, and "namely, that it never was nor ought to be in Sub-"jection, nor in the Obeiſance of the Kings of "*France*, which for the Time have been, nor of the "Realm of *France*, and willing to provide for the "Surety and *Defence* * of the Realm of *England*, and "of our liege People of the ſame;" 'will and grant 'and ſtabliſh for us and for our Heirs and Succeſſors, 'by Aſſent of the Prelates, Earls, Barons, and Com-'mons of our Realm of *England*, in this our preſent 'Parliament ſummoned at *Weſtminſter* the *Wedneſday* 'next after the *Sunday* in *Middle Lent*, the Fourteenth 'Year of our ſaid Reign of our Realm of *England*, and 'the Firſt of *France*, that by the Cauſe or Colour of 'that, that we be King of *France*, and that the ſaid 'Realm to us pertaineth, as afore is ſaid, or that we 'cauſe us to be named King of *France* in our Style, or 'that we have changed our Seal or our Arms, nor for 'the Commandments which we have made, or from 'henceforth ſhall make as King of *France*, our ſaid 'Realm of *England*, nor the People of the ſame, of 'what Eſtate or Condition they be, ſhall not in any 'Time to come be put in Subjection nor in Obeiſance 'of us, nor of our Heirs nor Succeſſors as Kings of '*France*, as afore is ſaid, nor be ſubject nor obedient, 'but ſhall be free and quit of all Manner of Subjection 'and Obeiſance aforeſaid, as they were wont to be in 'the Time of our Progenitors, Kings of *England*, for 'ever. In Witneſs of which Things, *&c.* Dated at '*Weſtminſter*, *&c.* the Fourteenth Year of our Reign 'of *England*, and the Firſt of *France*.'

* *Freedom.*

Ex Rot. in Turr. Lond. *m.* 21.

LE Roi a toutz ceux as queux ceſtes preſentez lettres vendront ſaluz. Sachietz qe come aſcuns gentz entendont qe par reſon qe le Roialme de France eſt devolut a nous come droit heriter dycell & par tant qe nous ſumes Roi de France noſtre Roialme dEngleterre ſerroit mys en ſubjection du Roi & du Roialme de France en temps avenir nous eiantz regard a leſtat de noſtre dit Roialme dEngleterre & meement a ce qele neſtoit unqes ne deveroit eſtre en ſubjection nen obeiſſance des Roys de France qi pur temps ont eſte ne du Roialme de France & voillantz purveer a la ſeurte & immunite du dit Roialme dEngleterre & de noz liges gentz dycell voloms & grantoms & eſtabliſ-ſoms pur nous & pur noz heirs & ſucceſſours par aſſent des Prelatz Countes Barouns & communes de noſtre dit Roialme dEngleterre en ceſt noſtre pre-ſent parlement ſomons a Weſtmonſter le Meſkerdy proſchein apres le Dymeinge en my Quareſme lan de noſtre regne dEngleterre quatorziſme & de France primer qe par cauſe ou colour de ceo qe nous ſoi-oms Roi de France & qe le dit Roialme nous ap-partient come deſus eſt dit ou qe nous nous feſoms nomer Roi de France en noſtre eſtile ou qe nous avoms change noz ſealx ou noz armes ne pur man-dementz qe nous avoms fait ou ferroms deſore ena-vant come Roi de France noſtre dit Roialme dEn-gleterre ne les gentz dycell de quel eſtat ou condi-tion qils ſoient ne ſoient en nul temps avenir mys en la ſubjection ne obeiſſance de nous noz heirs ne ſucceſſours come Roys de France ne a nous noz heirs ne ſucceſſours come Roys de France come de-ſus eſt dit ſoient ſuggitz ne obeiſantz einz ſoient fraunches & quites des totes maners de ſubjection & obeiſſance deſus dites come ils ſoleint eſtre en temps de nos progenitours Rois dEngleterre a toutz jours. En teſmoignance de quele choſe a ceſtes pre-ſentes lettres avoms mys noſtre ſeal. Don' a Weſtm' le xvi jour dAverill les auns de noſtre regne dEng-leterre & de France ſuſditz.

Statutes made at Weſtminſter Anno 15 EDW. III. *and* Anno Dom. 1341. *Theſe are repealed by the ſubſequent Act, and may be found in the Appendix.*

By

By another Statute made alſo Anno 15 EDW. III. *the laſt mentioned Statute of* Anno 15 EDW. III. *was repealed, becauſe it was made without the King's Conſent.*

Ex Rot. Stat. in Turr. Lond. *m.* 19. *dorſo.*

REX vicecomiti Lincoln ſalutem. Cum in parliamento noſtro apud Weſtm' in quindena Paſche proximo preterita convocato quidam articuli legibus & conſuetudinibus regni noſtri Anglie & juribus & prerogative noſtre regiis expreſſe contrarii pretendantur per modum ſtatutorum per nos fuiſſe conceſſi Nos conſiderantes qualiter ad obſervationem & defenſionem legum conſuetudinem jurium & prerogativarum hujuſmodi aſtricti ſumus vinculo juramenti & proinde volentes ea que ſic fiunt improvide ad ſtatum debitum revocare ſuper hoc cum Comitibus & Baronibus ac peritis aliis dicti regni noſtri conſilium habuimus & tractatum Et quia editioni dicti ſtatuti pretenſi nunquam conſenſimus ſet premiſſis proteſtationibus de revocando dictum ſtatutum ſi de facto procederet ad evitandum pericula que ex ipſius denegatione tunc timebantur provenire cum dictum parliamentum alias fuiſſet ſine expeditione aliqua in diſcordia diſſolutum & ſic ardua noſtra negotia fuiſſent quod abſit veriſimiliter in ruina diſſimulavimus ſicut oportuit & dictum pretenſum ſtatutum ſigillari permiſimus illa vice videbatur dictis Comitibus Baronibus & peritis quod ex quo dictum ſtatutum de voluntate noſtra gratuita non proceſſit nullum erat & quod nomen vel vim ſtatuti habere non deberet. Et ideo dictum ſtatutum de ipſorum conſilio & aſſenſu decrevimus eſſe nullum & illud quatenus de facto proceſſit duximus adnullandum volentes tamen quod articuli in dicto ſtatuto pretenſo contenti qui per alia ſtatuta noſtra vel progenitorum noſtrorum Regum Anglie ſunt prius approbati juxta formam dictorum ſtatutorum in omnibus prout convenit obſerventur. Et hoc ſolum ad conſervationem & redintegrationem jurium corone noſtre facimus ut tenemur non autem ut ſubditos noſtros quos in manſuetudine regere cupimus opprimamus al qualiter vel gravemus. Et ideo tibi precipimus quod hec omnia in locis infra ballivam tuam ubi expedire videris publice facias proclamari. T. R. apud Weſtm' primo die Octobris anno quintodecimo.

Per ipſum Regem & conſilium.

"EDWARD *by the Grace of God*, &c. *to the Sheriff of* Lincoln, *Greeting*. Whereas at our Parliament ſummoned at *Weſtminſter* in the *Quinzime* of *Eaſter* laſt paſt, certain Articles expreſſly contrary to the Laws and Cuſtoms of our Realm of *England*, and to our Prerogatives and Rights Royal, were pretended to be granted by us by the Manner of a Statute; we, conſidering how that by the Bond of our Oath we be tied to the Obſervance and Defence of ſuch Laws, Cuſtoms, Rights, and Prerogatives, and providently willing to revoke ſuch Things to their own State, which be ſo improvidently done, upon Conference and Treatiſe thereupon had with the Earls, Barons, and other wiſe Men of our ſaid Realm, and becauſe we never conſented to the making of the ſaid Statute, but as then it behoved us, we diſſimuled in the Premiſes by Proteſtations of Revocation of the ſaid Statute, if indeed it ſhould proceed, to eſchew the Dangers which by the denying of the ſame we feared to come, foraſmuch as the ſaid Parliament otherwiſe had been without diſpatching any Thing in Diſcord diſſolved, and ſo our earneſt Buſineſs had likely been ruinated (which God prohibit) and the ſaid pretenſed Statute we permitted then to be ſealed: It ſeemed to the ſaid Earls, Barons, and other wiſe Men, that ſithence the ſaid Statute did not of our free Will proceed, the ſame be void, and ought not to have the Name nor Strength of a Statute;" 'and therefore by their Counſel and Aſſent we have decreed the ſaid Statute to be void, and the ſame in as much as it proceeded of Fact, we have agreed to be adnulled; willing nevertheleſs, That the Articles contained in the ſaid pretenſed Statute, which by other of our Statutes, or of our Progenitors Kings of *England*, have been approved, ſhall, according to the Form of the ſaid Statute in every Point, as convenient is, be obſerved. And the ſame we do only to the Conſervation and Reintegration of the Rights of our Crown, as we be bound, and not that we ſhould in any wiſe grieve or oppreſs our Subjects, whom we deſire to rule by Lenity and Gentleneſs. And therefore we do command thee, That all theſe Things thou cauſe to be openly proclaimed in ſuch Places within thy Bailiwick where thou ſhalt ſee expedient. Witneſs myſelf at *Weſtminſter* the Firſt Day of *October*, the Fifteenth Year of our Reign.' 12 Co. 75.

Note, *This Act is ſaid to have been made the* 17 *Ed.* 3. *See Coke,* 4 *Inſt. P.* 52.

A Third Statute made Anno 15 EDW. III. *expreſſing certain Conditions or Covenants whereupon the Subſidy granted* Anno 14 *was given him.*

Ex Rot. in Turr. Lond. *m.* 19. D.

FAIT a remembrer de les conditions qe les grantz & la communalte demandent pur le grante qils ferront a noſtre Seignur le Roi pur la noeſme aignel toiſon & garbe del an ſeconde.

CAP. I.

Ex Rot. in Turr. Lond.

PRIMES ceo qe eſt quilli & levee de les xx. mill' ſacs de leine autrefoitz grantez a noſtre Seignur le Roi en manere davoire recompenſation de ycele de la noefiſme del an ſeconde ſoit recoupe & allowe es countees ou les leines ſont levees & les perſons paiez & les commiſſions de vynt mill' ſacs repellez.

CAP. II.

ITEM qe les toyſons & aignels de ceſt ſecond an leveez ſoient acomptez devant ceux qe ſerront deputez a les dites leines quiller qe ſoient bones gentz & loiaux du pais. Et qe la value des dites agnels & toiſons levees ſoit recoupe & allowe en le noumbre des ſacs ore grantez. Et qe le remenant de trois choſes a quiller de ceſt ſecond an ne ſoit rienz leveez einz de tout releſſez & ſur ceo ſoient lettres patentes ſouz le grant ſeal liverez as chivalers dez counteez ſanz rien paier.

CAP. III.

ITEM qe les leines en cheſcun countee ſoient quilliez par bones gentz du pais & ſoient liverez as reſceivours le Roi par ſacs des countees ou ils ſerront quilliez ſolonc le pois ordeinie par eſtatut ceſt aſſavoir xiv. livres pur la piere & xxvi. pieres pur la ſac ſans autre encres. Et qe nul ne ſoit chargee de rendre ſur ceo acompte al Roi mes ſoulement les reſceivours le Roi. Et qen cheſcun pais ſoient aſſignez deux grants & bones gentz doier & terminer les pleintes de ceux qe ſe voudront pleindre des dites quillours & reſceivours & ce as jours & lieux des countees.

CAP. IV.

ITEM qe les Prelatz Countes & Barons chivalers & autres grantz de cheſcun pais queux ſerront tenuz de paier la noefiſme ſolonc le grante ſur ce faite ſoient apportionez ſolonc lour afferant a la charge grante des dites leines. Et en cas qe aſcun des Prelatz ou grantz avantditz ou autre ne voille paier ſolonc ce qil ſerra apportione ſoient les nouns des tieux & lour portionz liverez as dites reſceivours & par eux a la Chauncellerie & tant ſoit allowe al countees & celui qe ſerra trove deſobeiſant ſoit deſtreint de paier la treble de la portion a quele il fuit mys.

CAP. V.

ITEM qe nul qi qil ſoit marchant ne autre achate ne aviegne leines hors de la terre entre cy & la Seint Michel proſchein avenir en eide qe le Roi ſoit ſervi de ce qe luy eſt graunte & qe apres la dite feſt de Seint Michel cheſcun du roialme marchant & autre fraunchement puiſſe vendre & achater & paſſer la mier oveſqe lour marchandiſes des leines & de toutes autres choſes paianz les cuſtumes auncienement uſees ſolonc les eſtatutz eintz ces houres faites al darrain parlement tenuz a Weſtm' a my Quareſme. Et ceux qe ont leines ſoient tenuz de les vendre ſolonc le ſort & pris du pais pur acomplir les leines grantez ou Roi. Et ceux qe ſerrount quillours des dites leines ſoient gentz ſuffiſaunz de meiſme les counteez eſlutz ore en parlement & qils ne ſoient chaungez par nul maundement.

CAP. VI.

ITEM qe le oor la Reine ne courge en demande par reſon de cel grant. Et qe citees & burghs & touz les religiouſes qe tienent par baronie & ſont tenuz de venir al parlement & ceux qe ount chateux ſanz gainerie ſolent chargees od la commune & qe religious & autres gentz de ſeint egliſe pur terres & poſſeſſions purchacez & appropriez nient taxes ove le tax uſee des diſmes ſoient chargeez en ceſt con... ion ove la commune. Et celui qe ſerra trove coupable de paſſage ſoit a la forfeture de la double value des leines. Et qe les parnours poeſſent prendre les leines quel part qe eles ferront trovez hors de ſaientuarie ſolonc le ſort & le pris de Notingham quant a ce qeſt arere de la noefiſme del an paſſe Le Roi fra aſſignur aſcunes des ſoens ove bones gentz des countees de prendre informations par totes les voies qils ſaveront ou purront de la verrei value des noefiſmes en cheſcun paroche & ſolonc ceſtes informations ſoient les noefiſmes leveez.

CAP. VII.

ITEM qe les petitions par les grantz & la commune monſtreez ſoient affermez ſelonc ce qils ont grantee par le Roi ceſt aſſavoir les pointz adurer par eſtatut & les autres par chartre ou patente & liveres as chivalers des counteez ſaunz rienz payer & qe pleiſe a noſtre Seignur le Roi de performir la grante qel il ad promys as grantz en droit des attachez & empriſonez ore en ce parlement & ceux qe ount fait fines eſtoiſent a lour fines ou a la commune ley a lour cheys.

Le

Le Parliament tenus a Weſtm. a la Quinzeme de Paſch. du raign noſtre Seignur le Roi EDWARD *Tiers apres le Conqueſt Dys & ſeptime.*

ITEM accorde eſt de faire une Monoie des bones Eſterlings en Engleterre du pois & del Alay del auncient Eſterling, que avera ſon cours en Engleterre entre les Grandz & la Comune de la terre, & la quele ne ſerra portes hors du roialme d'Engleterre en nulle manere; ne pur quecunque cauſe que ceo ſoit. Et en caſe que les Flemings voillent faire bone monoie dargent groſſes ou autres accordant en alay es bones Eſterlings; que tiel monoie eit cours en Engleterre entre Merchand & Merchand & autres qui la vodroient reſcevire de lour bone gree; iſſint que nul argent ſoit portes hors du Roialme.

Item eſt accordes & aſſentus, que bones gentz & loialx ſoient aſſignez es Ports de miere, & ailours, ou mieſter ſerra, de faire la ſerche, qe nul argent ſoit portes hors du Roialme en monie n'autrement, forſpris que les Grandz quant ils vont per dela qils peuſent aver veſſeals dargent pur ſervir lour hoſtels: Et que nul ſoit cy hardy de porter fauſſe & malvois monoie en Roialme, ſur paine de forfeiture de vie & de membre: Et a faire exchanges a ceux qi paſſeront la miere d'or pur lour bones Eſterlings a la value.

Item aſſentus eſt & accordes, que les dits Sercheours, per cauſe qils ferront lour offices plus diliagement & plus loialment, ils eient la tierce partie de tote la fauxe monoie, qils purront trover portee deins le Roialm a lour proſit demeen: Et en meſme la manere eient la tierce partie de la bone monoie quele ilz troveront en la miere paſſant hors de la terre: Et en caſe qils ſoient trovez negligents ou rebealx a tieux ſerches faire, que lour terres & tenements, biens & chateux ſoient ſeiſes en la main le Roy, & lour corps pris, & detenus tanque ils eient fait fine au Roy pur lour diſobeiſance: Et en caſe quils ſoient aſſentants de porter tiels fauxe monoie, & de ſuffrire ſachantement largent ou monoie autrement (forſpris que les Grandz quant ilz vont per dela qils peuſent aver veſſeals dargent pur ſervir lour hoſtels come de ſuis eſt dit) eſtre meſnes hors du Roialm, eient judgement de vie & de membre.

"ITEM, It is accorded to make Money of good Sterling in *England* of the Weight and Allay of the ancient Sterling; which ſhall be current in *England* between the Great Men and Commons of the Land; and the which ſhall not be carried out of the Realm of *England* in any Manner, nor for any Cauſe whatſoever. And in caſe that the *Flemmings* will make good Money of Silver groſs or other, according in Allay of good Sterling, that ſuch Money ſhall be current in *England* between Merchant and Merchant, and others; who of their own Accord will receive the ſame; ſo that no Silver be carried out of the Realm. 3 Inſt. 93.

"Item, it is accorded and aſſented, That good and lawful Men be aſſigned in the Ports of the Sea, and elſewhere, where Need ſhall be, to make Search, that no Silver be carried out of the Realm in Money or otherwiſe (except that the Great Men may, when they go out of the Realm, have Silver Veſſels to ſerve their Houſes.) And that none be ſo hardy to bring falſe and ill Money into the Realm, upon Pain of Forfeiture of Life and Member: And to make Exchanges with them that ſhall paſs the Sea, of Gold for their good Sterling to the Value.

"Item, It is aſſented and accorded, That the ſaid Searchers, becauſe they may do their Offices more diligently and more lawfully, ſhall have the third Part of all the falſe Money that they can find to be brought into the Realm for their own Benefit: And in the ſame Manner they ſhall have the third Part of the good Money which they ſhall find upon the Sea paſſing out of the Realm: And in caſe they ſhall be found negligent or diſobedient in making ſuch Searches, that their Lands and Tenements, Goods and Chattels ſhall be ſeiſed into the King's Hands, and their Bodies taken and detained until they have made Fine to the King for their Diſobedience: And in caſe they ſhall be aſſenting to the bringing in of ſuch falſe Money, or wittingly ſhall ſuffer Silver or Money (except Veſſels of Silver for the Great Men when they go out of the Kingdom to ſerve in their Houſes, as before is ſaid) to be tranſported out of the Realm, they ſhall have Judgement of Life and Member."

Statute made Anno 18 EDW. III. *Stat.* 1. Anno Dom. 1344. *declaring in what Caſes and for what Offences Exigents ſhall be awarded.*

Cotton *MS. Nero*, C. 1.

ACCORDE eſt & eſtabli qe deſore de ceux qe ſerrount ou ount eſtee Reſceivours dez deniers le Roy ou de ſez leyns queux ils pernent du poeple e lez alloignent & deteignent iſſint qe noſtre Seignur le Roi ne poet ent eſtre ſuy De ceux qe ameignent lez leynz per dela faunz eſtre cokettez ou faunz paier cuſtume & ſubſidie as queux ils ſount aſſis & dez cuſtumers & tronours queux les ſuffrent as damage le Roy Et de les Miniſtres qe reſceivent lez deniers le Roy & lez reteignent conſpiratours confederatours & maintenours dez faux querelz & de ceux qe meſnent routez en preſence dez Juſtices ou dautres Miniſtrez le Roy ou aillours es Counteez en affray de poeple iſſint qe la ley ne ſe poet pas ent faire & auxibien de ceux qe portent ou veignent en lour compaigniez come de ceux qe portent le faux monee en deſceit de poeple toutz ceux en cas qe ils ne purrount eſtre trovez ou meſnez en reſponce per attachement ou diſtreſs pur le profit le Roi qe lexigend ſoit don & ſuy & nemye dez autres.

Ordinationes in Parliamento apud Weſtm' *Anno Regni Domini* E. *Regis* Angl' & Franc' *videlicet* Anglie *decimo octavo* & Francie *quinto tento facte.*

Another Statute made Anno 18 EDW. III. *Stat.* 2. *and* Anno Dom. 1344.

EXP. Two Quinzimes granted to the King by the Commonalty, and two Diſmes by Cities and Boroughs, to be paid in two Years, towards his Wars in *France* and *Scotland.*

In Turr. Lond. *m.* 19. D.

CAP. I.

EXP. Commiſſions of new Inquiries ſhall ceaſe, ſaving Indictments of Felonies, and Treſpaſſes of Woolls carried out without Subſidies, Cuſtoms, *&c.*

CAP. II.

Juſtices of Peace ſhall be appointed, and their Authority.

'ITEM, That Two or Three of the beſt of Reputation in the Counties ſhall be aſſigned Keepers of the Peace by the King's Commiſſion, and at what Time Need ſhall be, the ſame, with other wiſe and learned in the Law, ſhall be aſſigned by the King's Commiſſion to hear and determine Felonies and Treſpaſſes done againſt the Peace in the ſame Counties, and to inflict Puniſhment reaſonably according to Law and Reaſon, and the Manner of the Deed.'

ET auſſint qe deux ou trois des mieultz vauetz des countees ſoient aſſignez gardeins de la pees par commiſſions le Roi & quele heure qe meſtier ſerra meſmes ceux oveſqes autres ſages & apris de la leye ſoient aſſignez par commiſſion le Roi doier & terminer felonies & treſpas faites contre la pees en meſmes les countees & puniſſement faire reſonablement ſolonc la manere du fait.

1 Ed. 3. ſtat. 2. c. 16.

4 Ed. 3. c. 2. 34 Ed. 3. c. 1. 12 *R.* 2. *c.* 10. 13 *R.* 2. *ſtat.* 1. *c.* 7. 18 H. 6. *c.* 11. 1 *Ed.* 4. *c.* 2. 1 *R.* 3. *c.* 3. *See farther Index, tit.* Juſtices of Peace.

CAP. III.

All Perſons may buy Woolls. The Sea ſhall be open.

'ITEM, That the Ordinances made before this Time, * upon taking of Sorts of Woolls in every County, be wholly annulled and defeated; and that every Man, as well Stranger as Privy, from henceforth may buy Woolls, according as they may agree with the Seller, as they were wont to do before the ſaid Ordinances; † and that the Sea be open to all Manner of Merchants to paſs with their Merchandize where it ſhall pleaſe them.'

ITEM qe les ordenances devant ces heures faites ſur le pris des ſortz des leines en cheſcune countee ſoient de tout anientiz & defaitz & qe cheſcun homme auſſibien eſtrange come prive puiſſe deſormes achater leines ſolonc ceo qil purra acorder ove le vendour auſſi come ils ſoleient faire devant les ordinances avantdites. Et qe nul homme ne ſoit empeche ne greve pur cauſe de nul acate faite en temps paſſe encontre les ordinances avantdites & qe la mieer ſoit overte a tout manere des marchantz de paſſer ove lour marchandiſes.

* Of the Price of Sorts, &c.

† Add *and that no Man ſhall be hindered or grieved on Account of any Purchaſe heretofore made contrary to the aforeſaid Ordinances.* 3 Mod. 126. 5 & 6 E. 6. c. 7. *which is repealed by* 21 *Jac.* 1. *c.* 28.

CAP. IV.

EXP. Commiſſions to aſſay Weights and Meaſures ſhall be repealed, and none ſuch granted.

CAP. V.

No Exigent ſhall be granted in Treſpaſs, but where it is againſt the Peace.

'ITEM, That no Exigent ſhall from henceforth go out, in caſe where a Man is indicted of Treſpaſs, unleſs it be againſt the Peace, or of Things which be contained in the Declaration made in this Caſe at the laſt Parliament holden at *Weſtminſter*.'

ITEM qe nul exigende iſſe deſormes en cas ou homme eſt enditez de treſpas qe ne ſoit encontre la pees ne des choſes qe ne ſont contenues en la declaration fait de ce cas en derrein parlement tenuz a Weſtm'.

Stat. 18 Ed. 3. ſtat. 1.

CAP.

CAP. VI.

Money ſhall be made and Exchanges ordained where the King ſhall pleaſe. EXP.

Ex Rot. in Turr. Lond.

CAP. VII.

When the King's Wages to Soldiers ſhall begin and end.

ITEM qe les eſtatuz faitz ſur les purveances affaire ſur loſtel le Roi la Roigne & lour enfantz en les queux eſt contenuz qils ne achatent ne preignent riens ſil ne ſoit par le bone gree des vendours & par feer fait entre les achatours & les vendours & auſſint les eſtatutz faitz del eſtat le Seneſchal & Mareſchal del hoſtel le Roi & queux pleedz ils tendront & determineront devant eux en la Mareſchalcie ſoient tenuz & gardez en touz lour pointz les queux eſtatutz noſtre Seignur le Roi ad fait tranſeſcrivre & mander as Seneſchal & Mareſchal de ſon hoſtel & a Treſorer de la garderobe & briefs oveſque eux de les garder & meintenir en touz pointz. Et qe gentz darmes hobelers & archers eſluz pur aler en le ſervice le Roi hors dEngleterre ſoient as gages le Roi du jour qils departiront hors des countees ou ils ſerront eſlutz.

Exemplificatur de aſſenſu parliamenti.

'ITEM, That the Statutes for the Purveyances, to be made for the Houſes of the King, the Queen, and their Children, wherein it is contained, That they ſhall not buy nor take any Thing, unleſs it be by Agreement of the Sellers, and by Promiſe made betwixt the Buyers and the Sellers, and that the Statutes made of the Steward and Marſhal of the King's Houſe, and what Pleas they ſhall hold and determine before them in the Marſhalſey, ſhall be holden and kept in all their Points; which Statutes our Lord the King hath cauſed to be tranſcribed, and ſent to the Steward and Marſhal of his Houſe, and to the Treaſurer of the Wardrobe, and Writs with them, to keep and maintain the ſame in all Points. And that Men of Arms, Hoblers, and Archers, choſen to go in the King's Service out of *England*, ſhall be at the King's Wages from the Day that they depart out of the Counties where they were choſen, till their Return.' Mirror 15. 5 Ed. 3. c. 2. 10 Ed. 3. ſtat. 2. c. 1, 2. 1 Ed. 3. ſtat. 2. c. 7. *Confirmed by* 4 H. 4. c. 13.

A Statute of the Clergy, made Anno 18 EDW. III. *Stat.* 3. *and* Anno Dom. 1344.

Ex Rot. in Turr. Lond. *m.* 19.

EDWARD par la grace de Dieu Roi dEngleterre & de Fraunce & Seignur dIrland as tous ceux qe ceſtes lettres verrount ou orrount ſalutz. Sachez qe a noſtre parlement tenus a Weſtm' le Lundy proſchein apres les oytaves de la Trinite proſchein paſſez entre autres choſes monſtrez aſſentuz & accordez en le dit parlement ſi furent monſtrez aſſentuz & accordez les choſes ſoutheſcritz.

"EDWARD by the Grace of God, &c. Greeting. Know ye that at our Parliament holden at *Weſtminſter* the *Monday* next after the *Utas* of the Holy Trinity, the Year of our Reign of *England* the Eighteenth, and of *France* the Fifth, amongſt other Things ſhewed, aſſented, and accorded in the ſaid Parliament, there were ſhewed, aſſented, and accorded theſe Things under-written."

CAP. I.

A Triennial Diſme granted to the King by the Clergy towards the Maintenance of his War in *France*. EXP.

CAP. II.

Bigamy ſhall be tried by the Ordinary, and not by Inqueſt.

ITEM qe ſi nul clerk ſoit areinez devant noz Juſtices a noſtre ſuyte ou a la ſuite de partie & le clerk ſe tiegne a ſa clergie allegeant qil ne doit devant eux ſur ce reſpoundre & ſi homme lui ſurmette pur nous ou pur la partie qil eit eſpouſe deux femmes ou une veue qe ſur ceo les Juſticez neient conisance ne poer de trier par enqueſtes ou en autre manere la bygamie einz ſoit mandez a la Court Chriſtiene come adeſte fait en cas de baſtardie. Et

'ITEM, If any Clerk be arraigned before our Juſtices at our Suit, or at the Suit of the Party, and the Clerk holdeth him to his Clergy, alledging that he ought not before them thereupon to anſwer; and if any Man for us, or for the ſame Party, will ſuggeſt, that he hath married two Wives, or one Widow, that upon the ſame the Juſtices ſhall not have the Cogniſance or Power to try the Bigamy by Inqueſt, or in other Manner; but it ſhall be ſent to the Spiritual Court, as hath been done in Times paſt in caſe of Baſtardy. And till the Certificate be made

Ex Rot. in Turr. Lond.

'made by the Ordinary, the Party in whom the Bigamy is alledged, by the Words aforesaid, or in other Manner, shall abide in Prison, if he be not mainpernable.'

tanqe la certification soit mande par lordinarie demoerge la persone en quele bigamie est alegge par les paroles susditz ou en autre manere en garde sil ne soit meinparnable.

CAP. III.

Prelates impeached for purchasing Lands in Mortmain.

'ITEM, If Prelates, Clerks beneficed, or Religious People, which have purchased Lands, and the same have put to Mortmain, be impeached upon the same before our Justices, and they shew our Charter of Licence, and Proces thereupon made by an Inquest of *Ad quod dammum*, or of our Grace, or by Fine, they shall be freely let in Peace, without being further impeached for the same Purchase. And in case they cannot sufficiently shew, that they have entered by due Proces after Licence to them granted in general or in special, that they shall be well received to make a convenient Fine for the same; and that the Enquiry of this Article shall wholly cease according to the Accord comprised in this Parliament.'

7 Ed. 1. stat. 2. 18 *Ed.* 1. *stat.* 1. 6. 3. 1 Ed. 3. stat. 2. 12. *And see Index, tit.* Mortmain.

ITEM qe si Prelatz clers beneficez ou gentz de religion qount purchacez terres & les ount myse a mort meyn soient empeschez ou aresonez sur ceo devant noz Justices & ils monstront noz chartres de licence & proceste sur ceo fait par enqueste Ad quod dampnum ou de nostre grace ou par fin qils soient lessez franchement en pees saunz estre outre empeschez pur la dite purchace. Et en cas qil ne purront sufficialment monstrer qils ne soient entrez par due proceste apres la licence a eux grante en general ou especial qils soient bonement resceuz a faire covenable fyn & qe lenquerrie de cest article cesse de tout solonc lacordement pris en cest parlement.

CAP. IV.

In Commissions to be made for Purveyance, the Fees of the Church shall be excepted.

3 Ed. 1. c. 1. 14 Ed. 3. stat. 4. c. 1. 1 R. 2. c. 3.

ITEM qe lestatutz touchantz les purviances de nous & de noz fitz en temps passez pur nous & pur noz progenitours pur gentz de seint eglise soient tenuz en touz pointz & qen les commissions a faire sur tieux purveances soient forspris les fees de seint eglise & biens des gentz de seint eglise en quecunque lieu qils soient trovez.

CAP. V.

No Prohibition shall be awarded but where the King hath Cognisance.

12 H. 7. f. 22. 4 Co. 123. 5 Co. 73. 6 Co. 23. 9 Ed. 2. stat. 1. c. 1.

'ITEM, That no Prohibition shall be awarded out of the Chancery, but in case where we have the Cognisance, and of Right ought to have.'

ITEM qe nule prohibition ne isse dehors de la Chauncellerie si noun en cas qe nous averoms la conisaunce & devons avoir de droit.

CAP. VI.

Temporal Justices shall not inquire of Proces awarded by Spiritual Juries.

"ITEM, Whereas Commissions be newly made to divers Justices, that they shall make Inquiries upon Judges of holy Church whether they made just Proces or excessive in Causes Testamentary, and other, which notoriously pertaineth to the Cognisance of holy Church, the said Justices have enquired, and caused to be indicted, Judges of holy Church, in blemishing of the Franchise of holy Church;" 'that such Commissions be repealed, and from henceforth defended, saving the Article in Eyre, such as ought to be.'

ITEM qe par la ou commissions sont faites de novel as diverses Justicez qils facent enqueste sur Juges de seint eglise le quel qils facent joust proceste ou excesse en cause du testament & autres les queux notoriement apartiegnent a la conisaunce de seint eglise les ditz Justices ount enquis & fount enditer juges de seint eglise en blemissement de la franchise de seint eglise qe tieles commissions soient repellez & desoremes defenduz save larticle de Eyre tiele come il doit estre.

CAP. VII.

No *Scire facias* shall be awarded against a Clerk for Tithes.

2 Inst. 639.

"ITEM, Whereas Writs of *Scire facias* have been granted to warn Prelates, Religious and other Clerks, to answer Dismes in our Chancery, and to shew if they have any thing, or can any thing say, wherefore such Dismes ought not to be restored to the said Demandants, and of answer as well to us, as to the Party of such Dismes;" 'that such Writs

ITEM qe par ou briefs de Scire facias oient este grauntez a garner Prelatz religious & autres clers a respoundre des dismes en nostre Chauncellerie & a monstrer sils eient riens pur eux ou sachent riens dire pur quoi tieux dismes a les demandauntz ne devient estre restitutes & a respoundre auxibien a nous come a partie des tieux dismes

qe

En Rot. in Turr. Lond.

qe tieux bref̃s deſore enavant ne ſoient grauntez & qe les proceſſes pendantz ſur tieux briefs ſoient anientiz & repellez & qe les parties ſoient dimiſes devant ſeculers juges de tieux maners de pledz ſavez a nous noſtre droit tiel come nous & noz aunceſtres avons eu & ſoleions avoir de reſoun. En teſmoignaunce de queux choſes a la requeſt des ditz Prelatz a ceſtes preſentes lettres avons faitz mettre noz ſealx. Don' a Londres le viii. jour de Juyl lan de noſtre regne dEngleterre diſoitiſme & de France quint.

' from henceforth be not granted, and that the Proceſs hanging upon ſuch Writs be adnulled and repealed, and that the Parties be diſmiſſed from the ſecular Judges of ſuch Manner of Pleas; ſaving to us our Right, ſuch as we and our Anceſtors have had, and were wont to have of Reaſon. In Witneſs whereof, at the Requeſt of the ſaid Prelates, to theſe preſent Letters we have ſet our Seal. Dated at *London* the Eighth Day of *July*, the Year of our Reign of *England* the Eighteenth, and of *France* the Fifth.

The Oath of the Juſtices, being made Anno 18 EDW. III. *Stat.* 4. *and* Anno Dom. 1344.

VOUS jurez, que bien & loialment ſervires a noſtre Seignur le Roy & ſon poeple en loffice de Juſtice, & que loialment conſeilleres noſtre Seignur le Roy en ſez beſoignes. Et que vous ne conſeilleres ne aſſentires a choſe que luy purra tourner en damage ou deſheriteſon per queconque voye ou colour. Et que vous ne ſaveres le damage ou diſheriteſon de luy, que vous ne luy ferrez garnir per vous ou per autre. Et que vous ferrez owel ley & execution de droit as toutez ſes ſubgettez riches & povrez ſauns avoir regard a quelconque perſon. Et que vous ne prendrez per vous ne per autre en prive nen apert don ne reward dor ne dargent ne dautre choſe queconque, que a voſtre profit pourra tournir, ſil ne ſoit manger ou boire & ceo de petit value, de nul home qui avera plee ou proces pendaunt devaunt vous, taunt come cel proces ſerra iſſint pendant, ne apres pur cel cauſe. Et que vous ne prendres fee, tanque come vous ſerres Juſtice, ne robes de nul home graunde ne petit, ſi non de Roy meſmes. Et qe vous ne dirrez counſeil ne avyz a nulle graunde ne petit, en nul cas ou le Roy eſt partie. Et en cas que aſcuns de quel eſtate ou condition quils ſoient, veignent devant vous en vos ſeſſions a force & armes ou autrement contre la peas, ou contre la forme del eſtatut ent fait, pur diſtourber execution del commune ley, ou pur manaſcer lez gentz que ils ne purroient purſuir la ley, qe vous ferrez arreſter lour corps, & mettre en priſon. Et en cas quils ſoient tielx que vous ne lez poez arreſter, qe vous certifies le Roy de lour nouns & de lour miſpriſion haſtivement, iſſint qe il puiſſe ent ordeigner remedie covenable. Et que vous ne maintiendres, per vous ne per autre en prive nen apert, nul plee ne nul querele pendant en le court le Roy naillours en paiis. Et qe vous ne declarez a nully come droit per lettres du Roy ne de nully autre ne per autre cauſe queconque. Et en cas que aſcuns lettres vous veignent contrariez a la ley, que vous ne ferres riens per tielx lettres, eyens certifies le Roy de ceo, & irrez avaunt, pur faire la ley, nient contreſteantz meſmes les lettres. Et que vous ferres & procures le profit du Roy & de ſa Corone ove toutes les choſes ou vous le purres faire reſonablement. Et en cas que vous ſoies trove en defaute deſorenevant en

' YE ſhall ſwear, That well and lawfully ye ſhall ſerve our Lord the King and his People in the Office of Juſtice, and that lawfully ye ſhall counſel the King in his Buſineſs, and that ye ſhall not counſel nor aſſent to any thing which may turn him in Damage or Diſheriſon by any Manner, Way, or Court. And that ye ſhall not know the Damage or Diſheriſon of him, whereof ye ſhall not cauſe him to be warned by yourſelf, or by other; and that ye ſhall do equal Law, and Execution of Right, to all his Subjects, Rich, and Poor, without having Regard to any Perſon. And that ye take not by yourſelf, or by other, privily nor apertly, Gift nor Reward of Gold nor Silver, nor of any other Thing which may turn to your Profit, unleſs it be Meat or Drink, and that of ſmall Value, of any Man that ſhall have any Plea or Proceſs hanging before you, as long as the ſame Proceſs ſhall be ſo hanging, nor after for the ſame Cauſe. And that ye take no Fee, as long as ye ſhall be Juſtice, nor Robes of any Man great or ſmall, but of the King himſelf. And that ye give none Advice or Counſel to no Man great nor ſmall, in no Caſe where the King is Party. And in caſe that any of what Eſtate or Condition they be, come before you in your Seſſions with Force and Arms, or otherwiſe againſt the Peace, or againſt the Form of the Statute thereof made, to diſturb Execution of the Common Law, or to menace the People that they may not purſue the Law, that ye ſhall cauſe their Bodies to be arreſted and put in Priſon; and in caſe they be ſuch that ye cannot arreſt them, that ye certify the King of their Names, and of their Miſpriſion haſtily, ſo that he may thereof ordain a convenable Remedy. And that ye by your ſelf nor by other, privily nor apertly, maintain any Plea or Quarrel hanging in the King's Court, or elſewhere in the Country. And that ye deny to no Man common Right by the King's Letters, nor none other Man's, nor for none other Cauſe; and in caſe any Letters come to you contrary to the Law, that ye do nothing by ſuch Letters, but certify the King thereof, and proceed to execute the Law, notwithſtanding the ſame Letters. And that ye ſhall do and procure the Profit of the King and of his Crown, with all Things where ye may reaſonably do the ſame. And in caſe ye be from henceforth found in Default in any of the Points aforeſaid, ye

Juſtices of both Benches ſhall ſerve the King in their Office.

Dalt. 13.

To warn the King of any Damage.

To do Juſtice.

To take no Reward of any having a Suit.

To give no Counſel where the King is a Party.

2 Ed. 3. c. 3. *Enforced by* 20 Ed. 3. c. 1.

To maintain no Suit.

Not to deny Right for Letters.

To procure the King's Profit.

The Penalty of an Offender.

' ſhall

Ex Rot. in Turr. Lond.

'shall be at the King's Will of Body, Lands, and
3 Inst. 224. 'Goods, thereof to be done as shall please him, as
'God you help and all Saints.'

nul des pointes avantditz, vous serres en la volunte du Roi du corpz terres & davoir, de faire ent que luy plerra. Si Dieu vous eide & toutes seyntes.

The Oaths of the Clerks of the Chancery, and of the Clerks of Course, made Anno 18 EDW. III. *Stat.* 5. *and* Anno Dom. 1344.

'YE shall swear, that well and lawfully ye shall serve our Lord the King and his People in the Office of Clerk of the Chancery, to which ye be attitled; and ye shall not assent nor procure the King's Disherison nor perpetual Damage to your Power; nor ye shall do, nor procure to be done, any Fraud to any Man's Wrong, nor Thing that toucheth the Keeping of the Seal. And ye shall lawfully give Counsel in the Thing that toucheth the King, when ye shall be thereto required; and the Counsel which you know touching him, ye shall conceal. And if you know the King's Disherison, or perpetual Damage or Fraud to be done upon the Things which touch the keeping of the Seal, ye shall put your lawful Power to repress and amend it; and if ye cannot do it, then ye shall certify the Chancellor, or other, which may do the same, to be amended to your Intent. And for the Clerks of Course shall be added: And ye shall not bring, nor to your Knowledge suffer to be brought, any Writs which ye make out of the Court not sealed, thereof to do Execution, nor shall record any Attorney by Writs, nor without Writs, without especial Licence, if ye have not lawfully examined the Party and the Attorney in proper Person, or at the least him that shall make Attorney in proper Person. Nor ye shall deliver any Writ which shall be of Commandment to the Examiners, nor to the Seal, before that the same Writ be sent to you by the Commander, which thereof hath Power, unless it be to the Chancellor, or to one of the Masters, which commandeth you to make the Writs. And all the Writs which ye shall make, ye shall deliver to the Examiners by your own Hand, or by one Companion which is sworn to the King, if ye yourself be out of the Court because of Sickness or other Cause necessary, so that ye cannot do it. And no Writ written of another Man's Hand shall be delivered to the Examiners under your Name, as yours, nor no Name shall ye put under your Writs, but your own, as God you help, and all Saints.'

Clerks of Course.

VOUS jurez, que bien & loialment servirez a nostre Seignur le Roy & a soun poeple en le office de le Chauncellarie, a quele vous estes attitle; & nassentirez ne procurez desheritance ne perpetual damage du Roy a vostre poair; ne fraude ferres, ne procurez estre fait, a tort dascuns du poeple, nen chose que touche la garde de seal: & loialement counseilerez les choses que touchent le Roy, quant serrez ent requis; & le counseil que vous saves touchant luy, conceleres. Et si vous saches desheritance ou perpetuel damage le Roy, ou fraude estre fait sur choses queux touchent la garde du dit seale, vous metterez vostre loiale proair de ceo redresser & amender. Et si de ceo ne poiez faire, vous aviserez le chanceller, ou auters que le poent faire amender a vostre entention. *Et addatur pro clericis de cursu.* Et vous ne porterez, ne soeffres estre porte a vostre escient, brieves que vous ferrez, hors du court nient ensealez dent faire execution. Ne nul attourne ne recorderez, ne per brieves ne sauns brief, sauns especial counge, & si vous neiez loialement examines la partie & lattourne en propre persone, ou a meyns celluy que fra lattourne en propre persone. Ne nul brieve que soit de commandement ne liverez a les examinours ne au seale, avaunt que mesme le brieve soit commaunde a vous per commandour que poair en eit, sil ne soit a Chancellour, ou a un des meisters que vous commandera de faire lez brieves. Et toutz lez brieves queux vous ferrez, liverez a les examinours per vostre mayn demesne, ou par une compaignon qui est jurez au Roy, si vous nesme soies hors du court per cause de maladie, ou autre cause necessarie, ne les poez faire. Et que nul brieve escript dautri mayn liveres a les examinours soutz vostre noun come le vostre, ne nul noun forsque le vostre mettres sur vos briefs. Si vous eide Dieu & ses Seintes.

Statutes made at Westminster, 7 Maii, Anno 20 EDW. III. *and* Anno Dom. 1346.

Cotton *MS. Nero*, C. 1.

"EDWARD by the Grace of God, *&c.* to the Sheriff of *Stafford*, Greeting, Because that by divers Complaints made to us we have perceived that the Law of the Land, which we by Our Oath are bound to maintain, is the less well kept and the Execution of the same disturbed many

EDWARD &c. Salutz pur ceo qe per plusours pleintz ent faitz a nous. Nous avoms entenduz qe la ley de nostre terre quele nous sumus tenuz per serement de meintenir est meyns bien garde & lexecution dicelle destourbe plusours foitz

Cotton *MS. Nero*, C. 1.

foitz per maintenaunce & procurement ſibien en Court come en pays per pluſours maners Nouz moeves graundement de conſcience de ceſte matiere & per celle cauſe deſirantz tant pur pleſaunce de Dieu & eaſe & quiete de noz ſubgitz come pur ſauver noſtre conſcience & pur ſauver & garder noſtre ſerement avauntdit per aſſent dez graundz & autres ſagez de noſtre counſeil.

" Times by Maintenance and Procurement, as well in " the Court as in the Country; we greatly moved " of Conſcience in this Matter, and for this Cauſe de- " ſiring as much for the Pleaſure of God, and Eaſe " and Quietneſs of our Subjects, as to ſave our Con- " ſcience, and for to ſave and keep our ſaid Oath, by " the Aſſent of the Great Men and other Wiſe Men " of our Council, we have ordained theſe Things " following."

CAP. I.

The Juſtices of both Benches, Aſſiſe, *&c.* ſhall do Right to all Men, take no Fee but of the King, nor give Counſel where the King is Party.

SI avoms ordeigne & commaunde expreſſement as toutz nouz Juſtices qils facent deſore owel ley & execution de droit as toutz noz ſubjetz richez & povrez ſaunz aver regard de null perſon & ſaunz leſſer de faire droit pur null letrez ou maundementz qe lour purrount venir de nous ou de null autre ou pur autre cauſe qeconqz & en cas qe aſcuns letrez briefs ou maundementz viegnent as lez Juſtices ou as autres deputeez de faire ley & droit ſolonqez lez uſagez de noſtre Roialme en deſtourbaunce de la ley ou de execution dicelle ou de droit faire as partiez lez ditz Juſtices & autres ſuiſditz aillent avaunt & tiegnent lour courts & lour proceſſe & ou lour plees & buſoignez ſont pendantz devaunt eux come ſi nuls tielx letrez briefs ou maundementz ne fuiſſent venus & certifient nous e noſtre conſeil de tielx maundements qe ſount contrariez a la ley come deſuis eſt dit. Et au fyn qe noz ditz Juſtices facent owell droit as toutz gentz en manere deſuis dit ſaunz pluis de favour faire a lune partie qe al autre Si avoms ordeigne & faire jurrer noz Juſtices qils ne prendront deſore tant come ils ſerrount en Office de Juſtice fee ne robe de nulluy ſinoun de nous meſmez & qils ne prendrount don ne regard per eux ne per autres en prive nen appiert de null homme qe avera affaire devaunt eux per queconqe voie ſil ne ſoit mangier ou boier & ceo de petit value & qils ne dorront counſeill a null graund ou petit en cas ou nous ſumus partiez ou qe nous touche ou purra toucher en null manere ſur peyn deſtre a noſtre volunte du corps terrez & avoir pur faire ent ceo qe nous plerra en cas qils facent la contrarie Et pur ceſt cauſe ſi avoms fait encreſcer lez feez de noz Juſtices per tiel manere qe lour droit reſonablement ſuffire.

'FIrſt, We have commanded all our Juſtices, That they ſhall from henceforth do equal Law and Execution of Right to all our Subjects, Rich and Poor, without having Regard to any Perſon, and without omitting to do Right for any Letters or Commandment which may come to them from us, or from any other, or by any other Cauſe. And if that any Letters, Writs, or Commandments come to the Juſtices, or to other deputed to do Law and Right according to the Uſage of the Realm, in Diſturbance of the Law, or of the Execution of the ſame, or of Right to the Parties, the Juſtices and other aforeſaid ſhall proceed and hold their Courts and Proceſſes where the Pleas and Matters be depending before them, as if no ſuch Letters, Writs, or Commandments were come to them; and they ſhall certify us and our Council of ſuch Commandments which be contrary to the Law, as afore is ſaid. And to the Intent that our Juſtices ſhould do even Right to all People in the Manner aforeſaid, without more Favour ſhewing to one than to another, we have ordained and cauſed our ſaid Juſtices to be ſworn, That they ſhall not from henceforth, as long as they ſhall be in the Office of Juſtice, take Fee nor Robe of any Man, but of ourſelf, and that they ſhall take no Gift nor Reward by themſelves, nor by other, privily nor apertly, of any Man that hath to do before them by any Way, except Meat and Drink, and that of ſmall Value; and that they ſhall give no Counſel to great Man or ſmall, in caſe where we be Party, or which do or may touch us in any Point, upon Pain to be at our Will, Body, Lands, and Goods, to do thereof as ſhall pleaſe us, in caſe they do contrary. And for this Cauſe we have increaſed the Fees of our Juſtices in ſuch Manner, as it ought reaſonably to ſuffice them.'

3 Inſt. 146. Juſtices ſhall do Right to all Perſons without Regard of Letters.

Shall certify all illegal Commandments:

Shall take no Fee of any, but of the King;

nor give Counſel where the King is Party: Regiſt. 186. 2 Ed. 3. c. 8. *Enforced by* 11 R. 2. c. 10.

CAP. II.

Barons of the Exchequer ſhall do Right to all Men without Delay.

EN meſme la manere avoms ordeigne en droit dez Barouns de noſtre Eſcheqúer & les avoms fait expreſſement charger en noſtre preſence qils facent droit & reaſon as toutz gentz graundz & petitz & qils facent deliverer le poeple reaſonablement & ſaunz delay dez buſoignez qils averount affaire devaunt eux ſaunz eſtre tariez nounduement ſicome ad eſte fait en temps paſſe.

'IN the ſame Manner we have ordained in the Right of the Barons of the Exchequer, and we have expreſly charged them in our Preſence, That they ſhall do Right and Reaſon to all our Subjects great and ſmall; and that they ſhall deliver the People reaſonably and without delay of the Buſineſs which they have to do before them, without undue tarrying as hath been done in Times paſt.'

4 Inſt. 115.

CAP. III.

Juſtices of Gaol-delivery, &c. and their Aſſociates, ſhall take an Oath.

Cotton *MS.*

27 *Ed.* 1. *c.* 3. ‘ITEM, We have ordained, That all they which ‘ſhall be Juſtices aſſigned by Commiſſion to hear ‘and determine, and ſuch as ſhall be aſſociated to ‘them, and alſo Juſtices of Aſſiſes to be taken in the *See* 8 *R.* 2. *c.* 2. *and* 33 *H.* 8. *c.* 24. ‘Country, and of Gaol-delivery, and ſuch as ſhall be ‘aſſigned and aſſociated to them, ſhall make firſt an *By* 12 *Geo.* 2. *c.* 27. ‘Oath in certain Points, according as to them ſhall be *Juſtices of Gaol-Delivery may act in their own Counties.* ‘enjoined by our Council in our Chancery, before ‘that any Commiſſion be to them delivered.’

ITEM nous avoms ordeigne qe toutz qe ſerrount aſſignez Juſtices daſſiſes prendre en pays & Gaolez deliverer & ceux qe ſerrount aſſociez a eux facent primerement autiel ſerement en noſtre Chauncellerie devaunt qe commiſſion lour ſoit delivere.

CAP. IV.

None ſhall maintain any Quarrels but their own.

15 H. 7. f. 2. Regiſt. 182, 189. ‘ITEM, We have commanded and utterly defend- ‘ed, That none of our Houſe, nor of them that ‘be about us, nor other, which be towards our dear be- ‘loved Companion the Queen, or our Son Prince of ‘*Wales*, or towards our Courts, nor Prelates, Earls, ‘Barons, nor other great nor ſmall of the Land, of ‘what Eſtate or Condition they be, ſhall not take in ‘Hand Quarrels other than their own, nor the ſame ‘maintain by them nor by other, privily nor apertly, ‘for Gift, Promiſe, Amity, Favour, Doubt, nor Fear, ‘nor for none other Cauſe, in Diſturbance of Law and ‘Hindrance of Right, upon the Pains aforeſaid; but ‘that every Man may be free to ſue for and defend his ‘Right in our Courts and elſewhere, according to the ‘Law. And we have ſtraitly commanded our ſaid ‘Son, and divers Earls and other great Men, being ‘before us, that they on their Behalf ſhall do to be Raſt. 119, 427, &c. ‘kept this Ordinance without Default, and that they 3 *Ed.* 1. *c.* 28 & 33. 13 *Ed.* 1. *ſtat.* 1. *c.* 49. 28 Ed. 1. *en Maintenance.* ‘ſuffer none which be towards them to attempt ‘againſt this Ordinance by any Way.’

ITEM nous avoms commaundez & defenduz tout ouſtrement qe null de noſtre hoſtiel ne de ceux qe ſount devers nous & noſtre treſchiere compaigne la Roigne ou noſtre fitz le Prince de Gales ou devers noz Courtz ou Prelatz Countz Barouns nautres graundz ne petiz de la terre de quele eſtate ou condition qils ſoient ne preignent querels en mayns autres qe lour proprez ne lez mainteignent per eux ne per autres en privee nen appiert pur don promiſſe amiſte favour ou hayne ne pur null autre cauſe en deſtourbance de la ley ou arreriſſement de droit ſur payne ſuiſdit einz qe cheſcune homme purra eſtre frank de ſon droit ſuere & defendre en noz Courtz & aillours ſolonqe la ley. Et ſi avoms entierment commaunde a noſtre dit fitz le Prince & as diverſez Counteez & autres graundez eſteantz devers nous qils facent gardier de lour partie ceſt ordeignaunce ſaunz defaulte & qils ne ſuffrent null qe ſount devers eux riens faire ou attempter countre meſme lordeignaunce per qeconqe voie.

ſtat. 3. c. 11. 33 *Ed.* 1. *ſtat.* 3. 1 Ed. 3. ſtat. 2. c. 14. 4 *Ed.* 3. *c.* 11. *Enforced by* 1 R. 2. c. 4. *and* 32 *H.* 8. *c.* 9. *which inflict Penalties*

CAP. V.

Lords and Great Men ſhall put thoſe out of their Services, which be Maintainers of Quarrels.

“ITEM, Becauſe we be informed, that many Bear- “ers and Maintainers of Quarrels and Parties in “the Country, be maintained and borne by Lords, “whereby they be the more encouraged to offend, and “by Procurement, covine, and maintenance of ſuch “Bearers in the Country many People be diſherited, “and ſome delayed and diſturbed of their Right, and “ſome not guilty, convict and condemned, or otherwiſe “oppreſſed, in the undoing of their Eſtate, and in “the notorious Deſtruction of our People:” ‘We ‘have commanded and do command, That all the ‘Great Men from henceforth ſhall void from their Re- ‘tinue, Fees and Robes, all ſuch Bearers and Maintain- ‘ers in the Country, without ſhewing to them any ‘Aid, Favour, or Comfort in any Manner. And ‘moreover we have ordained to make come before Us at ‘a certain Day, or before them whom we ſhall depute ‘of our Counſel, ſuch Bearers and Maintainers of di- ‘vers Counties, and them to be diligently examined ‘and charged, that they from henceforth void them of ‘ſuch Maintenances, or other Procurements making *See References to foregoing Chapter.* ‘in the Country in Damage of our People; and that ‘upon grievous Pains, which to them ſhall be ſhewed.’

ITEM pur ceo qe nous ſumus enformez qe pluſours meſnours & maintenours dez querelx & partiez en pays ſount maintenuz & covertz pur Seignurs per ont ils ſount le pluis eſbaudez de meſprendre & per procurement covine & maintenaunce dez tielx menours en pays ſoient pluſours gentz deſheritez & aſcuns delaiez & deſtourbez en lour droit & aſcuns nient coupablez convictz & condempnez ou autrement oppreſſez en defeſaunce de lour eſtate & en notorie deſtruction & oppreſſion de noſtre poeple ſi avoms commaunde & commaundoms qe toutz lez graundez ouſtent deſore en avaunt de lour retenuz feez & robez toutz tielx meſnours & maintenours en pays ſaunx null favour eide ou comfort faire a eux deſore en qeconqe manere Et ouſtre ceo nous avoms ordeigne de faire venir a certein jour devaunt nous ou ceux qe nous deputerons de noſtre Countſeil tielx menours & maintenours dez diverſez Counteez & de lez faire examiner & charger aſſiduelment qils ſe ouſtent deſore dez tielx maintenauncez & procurementz faire en pays en damage de noſtre poeple & ceo ſur grevouſez peynez qe lour ſerrount monſtrez.

CAP.

CAP. VI.

Justices of Assise shall enquire of and punish the Misdemeanor of Officers and other Offenders.

Cotton *MS.*

ITEM voloms & avoms ordeigne qe lez Justices as assisez prendre assignez eient sufficeant Commission denquere en lour Officez dez Visc' Eschetours Bailiffs dez Fraunchisez & leur South-Ministrez & auxint dez maintenours comunes assisours & Jurrours en paiis sur dez douns regardez & autres profitz qe lez ditz Ministrez pernent du poeple pur lour officez & de ceo qe atteint a lour office & pur larraie dez panelles mettantz en icelles Jurrours suspectz & de male fame & de ceo qe lez maintenours assisours & Jurrours pernent douns regardes & lowers dez partiez dount perdez & damages trop grevousez avieignent a poeple de jour en autre en subversion de la ley & destourbance de commune droit & de punir toutz ceux qe ent serrount trovez coupablez solonqe ceo qe la reason demande a la suite sibien de Roi come de partie Et sur ceo avoms charge noz Chaunceller & Tresorer doier lez pleintz dez toutz ceux qe pleindre se voudront & de ordiner qe hastive droit & remedie ent soit fait pur quoy vouz mandoms qe lez pointz & ordeignauncez suisditz facez overtement monstrer & publier &c. Don &c.

'ITEM, We will and have ordained, That the Justices assigned to take Assises shall have Commissions sufficient to inquire in their Sessions of Sheriffs, Escheators, Bailiffs of Franchises, and their Under Ministers, and also of Maintainors, common Embraceors, and Jurors in the Country, and of the Gifts, Rewards, and other Profits, which the said Ministers do take of the People to execute their Office, and that which pertaineth to their Office, and for making the Array of Pannels, putting in the same suspect Jurors, and of evil Fame, and of that Maintainors, Embraceors, and Jurors do take Gifts and Rewards of the Parties, whereby Losses and Damages do very grievously come daily to the People, in Subversion of the Law, and Disturbance of common Right, and to punish all them which thereof shall be found guilty, according as Law and Reason requireth, as well at our Suit as at the Parties. And thereupon we have charged our Chancellor and Treasurer to hear the Complaints of all them which will complain, and to ordain that speedy Remedy be thereof made. Wherefore we do command, That thou do cause the said Points and Ordinances aforesaid openly to be published * *and shewed at such Places within thy Bailiwick as thou shalt think good, to the end that they which feel them grieved in the Form aforesaid, may pursue for Remedy according to the said Ordinance, and that our People may perceive our Intent and Will in this Behalf, and the Desire that we have, that even Right may be done to all our Subjects as well Poor as Rich, and that the Offenders be restrained and punished.* Dated at *Westminster* the Seventh Day of *March*, the Year of our Reign of *England* the Twentieth, and of *France* the Seventh.'

* Not in Orig.

Regist. 186. 4 Ed. 3. c. 2. —— 11.

See 34 Ed. 3. c. 4. *what Persons shall be returned on Juries.*

The Statute of Labourers, made 23 Edw. III. *and* Anno Dom. 1349.

The first five Chapters are repealed by 5 Eliz. c. 4.

☞ *This Statute, it is said, could not be made in this Year.*

MS. Reg. 19 A. XIV.

QUIA magna pars populi & maxime operariorum & servientium nuper in pestilentia moriebatur, nonnulli videntes necessitatem Dominorum & paucitatem servientium, servire noluerunt, nisi salaria reciperent excessiva, & alii mendicare malentes in otio quam per laborem perquirere victum suum: Dominus Rex attendens que gravia exigentia presertim cultorum & operariorum hujusmodi provenire possent incomoda, super hoc cum Prelatis nobilibus & peritis & aliis sibi assistentibus Deliberationem habuit & tractatum; de quorum Unanimi consilio ordinavit.

"EDWARD by the Grace of God, &c. to the Reverend Father in Christ, *William*, by the same Grace Archbishop of *Canterbury*, Primate of all *England*, Greeting. Because a great Part of the People, and especially of Workmen and Servants, late died of the Pestilence, many seeing the Necessity of Masters, and great Scarcity of Servants, will not serve unless they may receive excessive Wages, and some rather willing to beg in Idleness, than by Labour to get their Living; we considering the grievous Incommodities, which of the lack especially of Ploughmen and such Labourers may hereafter come, have upon Deliberation and Treaty with the Prelates and the Nobles, and Learned Men assisting us, of their mutual Counsel ordained."

CAP. I.

Every Perſon able in Body under the Age of ſixty Years, not having to live on, being required, ſhall be bound to ſerve him that doth require him, or elſe committed to the Gaol, until he find Surety to ſerve.

MS. Reg.

QUOD quilibet homo & femina regni ſui Anglie, cujuſcunque conditionis fuerit, liberalis vel ſervilis, potens in corpore & infra etatem ſexaginta Annorum, non vivens de mercatura, nec certum habens artificium, nec habens de ſuo proprio unde vivere poſſit, vel terram propriam, circa cujus culturam ſe poterit occupare, & alteri non ſerviens, ſi de ſerviendo in ſervitio congruo ſtatui ſuo fuerit requiſitus, ſervire teneatur illi qui ipſum ſic duxerit requirendum; & percipiat dumtaxat vadia liberationes mercedes ſeu ſalaria, que in locis ubi ſervire debeat conſueta ſunt preſtari anno dicti regni Anglie viceſimo, vel annis communibus quinque vel ſex proxime precedentibus. Proviſo tamen quod Domini preferantur aliis in nativis ſuis ſeu terram ſuam nativam tenentibus ſic in ſervitio ſuo retinendis; ita tamen quod hujuſmodi Domini ſic retineant tot quot ſibi fuerint neceſſarii, & non plures. Et ſi talis vir vel mulier de ſic ſerviendo requiſitus vel requiſita hoc facere noluerint, hoc probato per duos fideles homines coram Vicecomite Ballivo Domino aut Conſtabulario Ville ubi hoc fieri contigerit, ſtatim per eos vel eorum aliquem capiatur & mittatur proxime Gaole, & ibi ſub certa cuſtodia moretur quouſque ſecuritatem invenerit, de ſerviendo in forma predicta.

CAP. II.

If a Workman or Servant depart from Service before the Time agreed upon, he ſhall be impriſoned.

ET ſi meſſor falcator aut alius operarius vel Serviens, cujuſcunque ſtatus vel conditionis fuerit, in ſervitio alicujus retentus, ante finem termini concordati a dicto ſervitio ſine cauſa rationabili vel licentia receſſerit; penam impriſonamenti ſubeat, & nullus ſub eadem pena talem in ſervitio ſuo recipere vel retinere preſumat.

CAP. III.

The Old Wages, and no more, ſhall be given to Servants.

NULLUS etiam vadia liberationes mercedes ſeu ſalaria majora ſolito ſicut predictum eſt alicui ſervienti ſolvat vel ſolvere promittat, aut capiat, nec aliquis alio modo ea exigat vel recipiat; ſub pena duplicis illius quod ſic ſolutum vel promiſſum fuerit, aut exactum vel receptum, illi qui ex hoc ſe ſenſerit gravatum, & nullo tali volente proſequi, tunc cuicumque de populo qui hoc proſecutus fuerit applicando, & fiat hujuſmodi proſecutio in Curia Domini loci ubi talis caſus acciderit.

CAP. IV.

If the Lord of a Town or Manor do offend againſt this Statute in any Point, he ſhall forfeit the treble Value.

ET ſi Domini villarum vel Maneriorum contra preſentes ordinationes per ſe vel Miniſtros ſuos in aliquo venire preſumpſerint, tunc in Comitatibus Wapentachiis & Trithingis, vel aliquibus aliis Curiis ipſius Regis hujuſmodi, ad penam tripli per eos vel Miniſtros ſuos ſic ſoluti vel promiſſi in forma predicta fiat proſecutio contra eos vel Miniſtros ſuos in forma predicta. Et ſi aliquis forſan ante preſentem ordinationem cum aliquo de ſic ſerviendo pro majori ſalario convenerit, non teneatur ipſe ratione dicte conventionis ad ſolvendum ultra id quod alias tali conſuetum eſt ſolvere, imo ſolvere plus ſub pena predicta non preſumat.

CAP. V.

If any Artificer or Workman take more Wages than were wont to be paid, he ſhall be committed to the Gaol.

ITEM ſellarii pellutarii Allutarii Sutores Sciſſores Fabri Carpentarii Cementarii Tegularii Batellarii & Carectarii & quicumque alii artifices & operarii non capiant pro labore & artificio ſuo ultra id quod dicto Anno Viceſimo & aliis Annis communibus precedentibus ut premittitur, in locis quibus eos operari contigerit, talibus ſolvi conſuevit. Et ſi plus receperit gaole proxime modo quo premittitur committatur.

CAP. VI.

Victuals ſhall be ſold at reaſonable Prices.

ITEM, That Butchers, Fiſhmongers, *Regrators*, Hoſtelers, Brewers, Bakers, Pulters, and all other Sellers of all Manner of Victual, ſhall be bound to

ITEM Carnifices Piſcenarii Hoſtellarii Braſiatores Piſtores Pulletarii & omnes alii Venditores Victualium quorumcunque teneantur hujuſmodi Victualia

MS. Reg.

Victualia vendere pro pretio rationabili, habita conſideratione ad pretium quo hujuſmodi Victualia in locis propinquis venduntur, ita quod habeant hujuſmodi Venditores Moderatum lucrum & non exceſſivum, prout diſtantia locorum a quibus Victualia hujuſmodi carriantur duxerint rationabiliter requirendum. Et ſi quis hujuſmodi Victualia alio modo vendiderit, & inde in forma predicta convictus fuerit, ſolvat Duplum illius quod ſic recepit dampnificato, & in defectu illius alteri qui proſequi voluerit in hac parte; & habeant poteſtatem Majores & Ballivi Civitatum & Burgorum Villarum Mercatoriarum & aliarum ac portuum & locorum maritimorum, ad inquirendum de omnibus & ſingulis qui contra hoc in aliquo deliquerint, & ad penam predictam ad opus illorum ad quorum ſectam hujuſmodi Delinquentes convicti fuerint levandam. Et in caſu quo iidem Major & Ballivi executionem premiſſorum facere neglexerint, & de hoc coram Juſtitiariis per ipſum Regem aſſignatis convicti fuerint, tunc iidem Major & Ballivi ad triplum rei ſic vendite hujuſmodi dampnificato, vel alteri in defectu illius proſequenti, ſolvendum, per eoſdem Juſtitiarios compellantur, & nichilominus quod verſus ipſum Regem puniantur.

'ſell the ſame Victual for a reaſonable Price, having 'Reſpect to the Price that ſuch Victual be ſold at in 'the Places adjoining, ſo that the ſame Sellers have 'moderate Gains, and not exceſſive, reaſonably to be 'required according to the Diſtance of the Place from 'whence the ſaid Victuals be carried. And if any 'ſell ſuch Victuals in any other Manner, and thereof 'be convict in the Manner and Form aforeſaid, he 'ſhall pay the Double of the ſame that he ſo received, 'to the Party damnified, or, in Default of him, to 'any other that will purſue in this Behalf. And the 'Mayors and Bailiffs of Cities, Boroughs, Merchant-'Towns, and others, and of the Ports of the Sea, 'and other Places, ſhall have Power to inquire of 'all and ſingular which ſhall in any Thing offend the 'ſame, and to levy the ſaid Pain to the Uſe of them 'at whoſe Suit ſuch Offenders ſhall be convict. 'And in caſe that the ſame Mayors and Bailiffs be 'negligent in doing Execution of the Premiſſes, and 'thereof be convict before our Juſtices, by us to be 'aſſigned, then the ſame Mayors and Bailiffs ſhall be 'compelled by the ſame Juſtices to pay the treble of 'the Thing ſo ſold to the Party damnified, or to any 'other in Default of him that will purſue; and ne-'vertheleſs towards us they ſhall be grievouſly pu-'niſhed.'

Mayors and Bailiffs of Cities and Boroughs ſhall inquire of Offenders, and puniſh them.

13 R. 2. ſtat. 1. c. 8.
12 Ed. 4. c. 8.
25 H. 8. c. 2. *and Victuals.*

contain farther Regulations with Reſpect to Victuallers

CAP. VII.

No Perſon ſhall give any Thing to a Beggar, that is able to labour.

Repealed by 1 Ed. 6. c. 3. & 21 Jac. 1. c. 28.

CAP. VIII.

He that taketh more Wages than is accuſtomably given, ſhall pay the Surpluſage to the Town where he dwelleth, towards a Payment to the King of a Tenth and Fifteenth granted to him.

EXP. Regiſt. 189.

ET ideo mandat Dominus Rex Archiepiſcopis & Epiſcopis, quod premiſſa in ſingulis locis dioceſium ſuarum quibuſcunque faciant publicari: mandantes rectoribus & aliis ſubdioceſanis, quod parochianos ſuos ad laborandum juxta temporis neceſſitatem ſolerter injungant; acetiam capellanos ſtipendiarios dicte ſue dioceſis, qui jam diu exceſſive capiunt, & nolunt ut dicitur pro ſalario competenti compeſcantur, ad ſerviendum pro conſueto ſalario prout expedit ſub pena ſuſpenſionis & interdicti compellentes. Et hoc, ſicut Nos & communem utilitatem Regni noſtri diligitis, nullatenus omittatis, T. &c. *die & anno ſupradictis.*

Statuta in Parliamento tento apud Weſtm' in Octabis Purificationis beate Marie Virginis Anno Regni Domini EDWARDI Regis Anglie & Francie Anglie videlicet viceſimo quinto Regni vero ſui Francie duodecimo.

A Statute of Labourers, made Anno 25 EDW. III. *Stat.* 1. *and* A. D. 1350.

Ex Rot. in Turr. Lond. *m.* 18.

COME nadgairs contre la malice de ſervantz queux furent pareiſſouſes et nient villantz ſervir apres la peſtilence ſanz trop outrageouſes lowers prendre feut ordine par noſtre Seignur le Roi et par aſſent des Prelatz Nobles et autres de ſon conſeil qe tieux maners de ſervantz ſibien hommes come femmes fuſſent tenuz de ſervir receyvantz ſalaries & gages accuſtumez es lieus ou ils

"WHEREAS late againſt the Malice of Servants, which were idle, and not willing to "ſerve after the Peſtilence, without taking "exceſſive Wages, it was ordained by our Lord the "King, and by Aſſent of the Prelates, Earls, Barons, "and other of his Council, That ſuch Manner of Ser-"vants, as well Men as Women, ſhould be bound to "ſerve, receiving Salary and Wages, accuſtomed in

" Places

" Places where they ought to ſerve in the Twentieth " Year of the Reign of the King that now is, or five " or ſix Years before; and that the ſame Servants re- " fuſing to ſerve in ſuch Manner ſhould be puniſhed " by Impriſonment of their Bodies, as in the ſaid " Statute is more plainly contained; whereupon " Commiſſions were made to divers People in every " County to enquire and puniſh all them which of- " fend againſt the ſame. And now foraſmuch as it is " given the King to underſtand in this preſent Parlia- " ment, by the Petition of the Commonalty, that the " ſaid Servants having no Regard to the ſaid Ordi- " nance, but to their Eaſe and ſingular Covetiſe, do " withdraw themſelves to ſerve Great Men and other, " unleſs they have Livery and Wages to the double " or treble of that they were wont to take the ſaid " Twentieth Year, and before, to the great Damage " of the Great Men, and impoveriſhing of all the " ſaid Commonalty, whereof the ſaid Commonalty " prayeth Remedy: Wherefore in the ſame Par- " liament, by the Aſſent of the ſaid Prelates, Earls, " Barons, and other Great Men of the ſame Com- " monalty there aſſembled, to reſtrain the Malice of " the ſaid Servants, be ordained and eſtabliſhed the " Things under-written."

Ex Rot. in Turr. Lond.

deveront ſervir lan du regne le dit noſtre Seignur le Roi vintiſme ou cynk ou ſis annz devant et qe meſmes les ſervantz refuſantz ſervir par autiele manere fuiſſent punys par empriſonement de lour corps ſicome en meſme lordenance eſt contenuz plus au playn ſur quoi commiſſions furent faites as diverſes gentz en cheſcun counte denquere et punir touz ceux qi veniſſent au contraire. Et ja par tant qe done eſt entendre a noſtre dit Seignur le Roi en ceſt preſent parlement par la petition de la commune qe les ditz ſervantz nien eiantz regard a la dite ordenance mes a lour eſes et ſinguleres covetiſes ſe retreent de ſervir as grantz ou as autres ſils neyent livereſons et lowers au duble ou treble de ceo qils ſoloient prendre le dit an vintiſme et devant a grant damage des grantz et empoveriſement des touz ceux de la dite communalte dont il eſtoit prie par meſme la communalte de remedie par quoi en meſme le parlement par aſſent des Prelatz Countes Barons et autres grantz et de la dite communalte illoqes aſſemblez pur refreyndre la malice des ditz ſervantz ſont ordenes et eſtables les choſes ſuzeſcriptz ceſt aſſavoir.

CAP. I.

Repealed by 5 Eliz. c. 4.

The Year and Day's Wages of Servants and Labourers in Huſbandry.

CAP. II.

Rep. 5 El. c. 4. Regiſt. 189.

How much ſhall be given for threſhing all Sorts of Corn by the Quarter. None ſhall depart from the Town in Summer where he dwelt in Winter.

CAP. III.

Rep. 5 El. c. 4.

The Wages of ſeveral Sorts of Artificers and Labourers.

CAP. IV.

Rep. 5 El. c. 8. & 1 Jac. 1. c. 22. O B.

Shoes, &c. ſhall be ſold as in the 20th Year of K. *Edward* the 3d. Artificers ſworn to uſe their Crafts as they did in the 20th Year of the ſame King.

CAP. V.

Rep. 5 El. c. 4.

The ſeveral Puniſhments of Perſons offending againſt this Statute.

CAP. VI.

O B. 2 Bulſtr. 335.

Sheriffs, Conſtables, Bailiffs, Gaolers, nor other Officers, ſhall exact any Thing of the ſame Servants. The Forfeitures of Servants ſhall be employed to the Aid of Diſmes and Quinzimes granted to the King by the Commons.

CAP. VII.

The Juſtices ſhall hold their Seſſions four Times a Year, and at all Times needful. Servants which flee from one County to another, ſhall be committed to Priſon.

Altered 2 H. 5. c. 4. Rep. 5 El. c. 4.

ITEM qe les ditz Juſtices facent lour ſeſſions en touz les countees dEngleterre au meins quatre foitz par an ceſt aſſaver a les feſtes del Anunciation de noſtre Dame Seinte Margarete Seinte Michel & Seinte Nicholas & auxint totes les foitz qil buſoignera ſelonc la diſcretion des Juſtices. Et qe ceux qi parlent en preſence des dites Juſtices ou autres choſes facent en lour abſence ou preſence en abaudiſſement ou meintenance des ditz ſervantz & laborers au contraire de ceſte ordinance ſoient grevement punys ſelonc la diſcretion des dites Juſtices. Et ſi nul des ditz laborers artificers ou ſervantz ſenfue dun countee tanqe en autre par cauſe de ceſte ordinance qe les viſcontes des countes ou tiels futives ſerront trovez les facent prendre an mandement des Juſtices des countes dont ils ſenfuerent & le meſnent a la chief gaole de meiſme cel counte illoeqes a demorer tanqz a la proſcheine ſeſſion des meiſmes les Juſtices & qe les ditz viſcontz retornent tielx mandementz devant meiſmes les Juſtices a lour proſcheines ſeſſions & qe ceſte ordinance ſoit tenue & garde ſibien deinz la Citee de Londres come en autres citees & burghs & aillours parmy la terre ſibie deinz franchiſe come dehors.

A Statute

A Statute made Anno 25 EDW. III. *Stat.* 2. *and* Anno Dom. 1350. *of thoſe that be born beyond Sea.*

In what Place Baſtardy pleaded againſt him that is born out of the Realm ſhall be tried.

Ex Rot. in Turr. Lond. *m.* 19.

NOSTRE Seignur le Roi a ſon parlement tenuz a Weſtm' a les Octaves de la Purification de noſtre Dame lan de ſon regne dEngleterre vintiſme quint & de France douſziſme conſiderant les grantz meſchiefs & damages qe ſont avenuz au poeple de ſon Roialme dEngleterre ſibien pur ce qe les eſtatuz devant ces heures ordenez nount mie eſte tenuz & gardez come ils deveroient come par cauſe de la peſtilence mortiele qe nadgairs dura & veullant purvoier au quiete & commune profit de ſon poeple ſur ce remedie covenable par aſſent de Prelatz Countz Barons & autres grantz & tote la Communalte de ſon dit Roialme au dit parlement ſomons ad ordene & eſtabli les choſes ſouzeſcriptes ceſt aſſavoir pur ce qe aſcunes gentz eſtoient en awere ſi les enfantz neez es parties de dela dehors la ligeance dEngleterre ſerroient ables a demander heritage deinz meiſme la ligeance ou nemie de quoi petition feuſt mis autrefoitz en parlement tenuz a Weymonſter lan noſtre dit Seignur le Roi dys & ſeptiſme & ne feuſt mie a tieu temps en tout aſſentu noſtre dit Seignur le Roi veullianteqe totes doutes & awers feuſſent ouſtez & la lei en ce cas declaree & mis en certein fiſt charger les Prelatz Countes Barons & autres ſages de ſon conſeil aſſemblez a ce parlement a faire deliberation ſur cel point Les queux dun aſſent ount dit qe la lei de la Corone dEngleterre eſt & ad eſte touz jours tiele qe les enfantz des Rois dEngleterre queu part qils ſoient neez en Engleterre ou aillours ſont ables & deivent porter heritage apres la mort lour aunceſtres la quele lei noſtre Seignur le Roi les ditz Prelatz Countz Barons & autres grantz & tote la Communalte aſſemblez el dit parlement approevent & afferment pur toutz jours. Et en droit des autres enfantz neez hors de la ligeance dEngleterre en temps noſtre dit Seignur le Roi ſi ſont ils uniement acordez qe Henri fitz Johan de Beaumound Elizabeth fill Guy de Bryan & Giles fitz Rauf Daubeneye & autres queux le Roi vorra nomer qi naſquirent par dela hors de la ligeance dEngleterre ſoient deſore ables davoir & enjoier leur heritages apres la mort lour aunceſtres totepartz deinz la ligeance dEngleterre ſi avant come ceux qi naſquirent deinz meiſme la ligeance. Et qe touz les enfantz heriters qi ſerront neez deſore dehors la ligeance le Roi des queux enfantz les piere & miere au temps du neſtre ſont & ſerront a la ſoi & de la ligeance du Roi dEngleterre eient & enjoient meiſmes les benefice & avantage daver & porter heritage deinz la dite ligeance come les autres heriters avantditz en temps avenir Iſſint totes foitz qe les mieres de tieux enfantz paſſent la meer par conge & volunte de lour barons. Et ſi alleggee ſoit contre nul tiel nee par dela qil eſt baſtard

"OUR Lord the King, at his Parliament holden at *Weſtminſter*, at the *Utas* of the Purification of our Lady, the Year of his Reign of *England* the Five and twentieth, and of *France* the Twelfth, conſidering the great Miſchiefs and Damages which have happened to the People of his Realm of *England*, as well becauſe that the Statutes ordained before this Time have not been holden and kept as they ought to be, as becauſe of the mortal Peſtilence that late reigned, and willing to provide for the Quietneſs and common Profit of his ſaid People convenient Remedy;" 'therefore by the Aſſent of the Prelates, Earls, Barons, and other great Men, and all the Commons of his ſaid Realm ſummoned to the Parliament, hath ordained and eſtabliſhed the Things under-written, *videlicet*, Becauſe that ſome People be in Doubt, if the Children born in the Parts beyond the Sea, out of the Ligeance of *England*, ſhould be able to demand any Inheritance within the ſame Ligeance, or not, whereof a Petition was put in the Parliament late holden at *Weſtminſter*, the Seventeenth Year of the Reign of our Lord the King that now is, and was not at the ſame Time wholly aſſented; our Lord the King, willing that all Doubts and Ambiguities ſhould be put away, and the Law in this caſe declared and put in a Certainty, hath charged the ſaid Prelates, Earls, Barons, and other wiſe Men of his Council, aſſembled in this Parliament, to deliberate upon this Point; all which of one Aſſent have ſaid, That the Law of the Crown of *England* is, and always hath been ſuch, that the Children of the Kings of *England*, in whatſoever Parts they be born, in *England* or elſewhere, be able and ought to bear the Inheritance after the Death of their Anceſtors; which Law our ſaid Lord the King, the ſaid Prelates, Earls, Barons, and other great Men, and all the Commons aſſembled in this Parliament, do approve and affirm for ever. And in the Right of other Children born out of the Ligeance of *England* in the Time of our Lord the King, they be of one Mind accorded, that *Henry* Son of *John de Beaumond*, *Elizabeth* Daughter of *Guy de Bryan*, and *Giles* Son of *Ralph Dawbeny*, and other which the King will name, which were born beyond the Sea, out of the Ligeance of *England*, ſhall be from henceforth able to have and enjoy their Inheritance after the Death of their Anceſtors, in all Parts within the Ligeance of *England*, as well as thoſe that ſhould be born within the ſame Ligeance. And that all Children Inheritors, which from henceforth ſhall be born without the Ligeance of the King, whoſe Fathers and Mothers at the Time of their Birth be and ſhall be at the Faith and Ligeance of the King of *England*, ſhall have and enjoy the ſame Benefits and Advantages, to have and bear the Inheritance within the ſame Ligeance, as the other Inheritors aforeſaid in Time to come; ſo always that the Mothers of ſuch Children do paſs the Sea by the Licence and Wills of their Huſbands. And if it be alledged againſt any ſuch born beyond the Sea, that

The King's Children be inheritable in England, whereſoever they be born.

The Children of others born beyond the Sea. 42 Ed. 3. c. 10. Denizen, Br. 142.

1 R. 3. f. 4. Dyer 224. Co. Lit. 8. 4 Geo. 2. c. 21.

Trial of Baſtardy pleaded againſt him which is born out of England. Raſt. 105.

' that he is a Baſtard, in caſe where the Biſhop ought ' to have Cogniſance of Baſtardy, it ſhall be com- ' manded to the Biſhop of the Place where the De- ' mand is, to certify the King's Court where the Plea ' thereof hangeth, as of old Times hath been uſed in ' the Caſe of Baſtardy alledged againſt them which ' were born in *England*.'

Ex Rot. in Turr. Lond.

en cas ou Leveſqe doit avoir coniſſance de baſtardie ſoit maunde a Leveſqe du lieu ou la demande eſt de certifier la Court le Roi ou le ple ent pende ſi come auncienement ad eſte uſee en cas de baſtardie alegge contre ceux qi naſquirent en Engleterre.

A Statute for the Clergy, made Anno 25 EDW. III. *Stat.* 3. *and* Anno Dom. 1350.

Ex Rot. in Turr. Lond. *m.* 16. *D.*

" OUR Lord the King, ſeeing and examining " by good Deliberation the Petitions and Ar- " ticles delivered to him in his Parliament " holden at *Weſtminſter* in the Feaſt of St. *Hilary*, the " Year of his Reign of *England* the Five and twentieth, " and of *France* the Twelfth, by the Honourable Fa- " ther in God, *Simon* Archbiſhop of *Canterbury*, and " other Biſhops of his Province, upon and for certain " Grievances which they alledged to be done to holy " Church, and to the Clergy, againſt the Privileges of " holy Church; and then they prayed, that a conve- " niable Remedy might be thereof ordained, to the " Reverence of God and of holy Church; by the " Aſſent of his Parliament, for him and his Heirs, " willeth and granteth the Points under-written."

NOSTRE Seignur le Roi veues & examinez par bone deliberation les petitions & articles a lui bailliez en ſon parlement tenuz a Weſtmonſter en la feſte de ſeint Hillar' lan de ſon regne de dEngleterre vintiſme quint & de France duſziſme par Lonourable piere en Dieu Simon Erceveſqe de Canterbirs & autres Eveſqes de ſa province ſur & pur certeines grevances queles ils diſoient eſtre faites a ſeinte egliſe & a la clergie encontre les privileges de ſeinte egliſe & dunk ils prierent qe covenable remedie ent fuiſt ordene al reverence de Dieu & de ſeinte egliſe & de laſſent de ſon dit parlement pur lui & ſes heirs voet & grant les pointz ſoutheſcriptz.

CAP. I.

All Privileges granted to the Clergy confirmed. The King nor his Heirs ſhall preſent to a Benefice of another's Right of any Time of his Progenitors.

' FIrſt, That all the Privileges and Franchiſes grant- ' ed heretofore to the ſaid Clergy be confirmed ' and holden in all Points. And as touching Preſent- ' ments to be made by our Lord the King, or any of ' his Heirs, to a Benefice of holy Church in another's ' Right by old Title, our ſaid Lord the King, to the ' Honour of God and Holy Church, willeth and grant- ' eth, of the Aſſent of the ſaid Parliament, that from ' henceforth, he nor any of his Heirs, ſhall not take ' Title, to preſent to any Benefice, in any other's Right, ' of any Time of his Progenitors; nor that any Pre- ' late of his Realm be bound to receive any ſuch Pre- ' ſentment to be made, nor to do thereof any Execu- ' tion; nor that any Juſtice of the one Place, or the ' other, may not nor ought not to hold Plea, or give ' Judgement upon any ſuch Preſentment to be made; ' but that the ſaid King and his Heirs be for ever ' hereafter clearly barred of all ſuch Preſentments; ' ſaving always to him and his Heirs all ſuch Pre- ' ſentments in another's Right fallen, or to fall, of ' all his Time, and of the Time to come.'

11 H. 4. f. 8. Vide Paſch. 8 Car. in Scacc. inter Dom. Regem & Pruſt. 2 Cr. 354. Jones 334.

PRimerement qe toutz les franchiſes & privileges grantez par devant a la dite clergie ſoient confermez & tenuz en toutz pointz. Et quant as preſentementz affaire par noſtre dit Seignur le Roi ou nul de ſes heirs as benefices de ſeinte egliſe en autri droit par auncien title noſtre Seignur le Roi al honur de Dieu & de ſeinte egliſe voet & grant de meiſme laſſent de ſon dit parlement qe deſore il ne nul de ſes heirs ne prendra title de preſenter a nul benefice en autri droit de nul temps de ſes progenitours ne qe nul Prelat de ſon Roialme ſoit tenuz de receivre nul tiel preſentement afaire ne ent faire execution ne nule Juſtice del une place ne del autre puſſe ne deive ſur nul tiel preſentement affaire plee tenir ou juggement doner mes qe le dit Roi & ſes heirs ſoient de touz tieux preſentementz forbarrez as touz jours ſauvant au dit Roi & a ſes heirs toutz tielx preſentementz en autri droit de tout ſon temps & de temps avenir.

CAP. II.

A Repeal the Statute of *Anno* 14 *Ed.* 3. *Stat.* 4. *cap.* 2. touching the King's Preſentment to a Church of another's Right.

" AND becauſe in the Parliament holden at *Weſt-* " *minſter* the Fourteenth Year of the Reign of " our Lord the King that now is, amongſt other " Things then granted to the Prelates of holy Church,

ET pur ce qe en parlement tenuz a Weſtmonſtier lan du regne noſtre dit Seignur le Roi quatorziſme entre autres choſes adonqes grantez as Prelatz & a ſeinte egliſe eſtoit ordene qe le Ro

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ne prendroit title de preſenter a nul benefice en autri droit forſe de vacations qe aveindreint des tielx benefices deinz trois annz proſcheins devant ſon preſentement quele choſe ſemblaſt trop prejudiciele au Roi & a ſes heirs Acorde eſt en ceſt parlement qe la dite ordinance quant a ce point ſoit tenu par nule & qe toutz les autres articles contenuz en meiſme lordenance & grantes adonqes faitz a ſeinte egliſe eſtoiſent en lour force.

" it was ordained, That the King ſhould not take " Title to preſent to any Benefice in another's Right, " but of the Voidances which ſhall happen of ſuch " Benefices within three Years next before his Pre- " ſentment, which Thing ſeemeth very prejudicial to " the King and his Heirs;" ' it is accorded in this ' preſent Parliament, That the ſaid Ordinance, as to ' this Point, ſhall be holden for none; but neverthe- ' leſs, that all the other Articles contained in the ſaid ' Ordinance and Grant then made to holy Church, ' ſhall ſtand in their Force.'

CAP. III.

When the King preſenteth to a Benefice in another's Right, his Title ſhall be examined.

AUxint come noſtre Seignur le Roi eit avant ces heures pris title de preſenter a ſuggeſtion des pluſours clercs la ou le title nad eſte verroi & parmi tielx preſentementz & juggementz ſur ce renduz les clercs ount eſte receuz par ordinaries des lieux contre Dieu & bone foi & en depreſſion de ceux qe avoient bone & verrei title es ditz benefices ſi voet le Roi & grant qe a quele heure qil ferra collation ou preſentement deſore a nul benefice enſi en autri droit le title ſur quel il ſe fondra ſoit bien examinee qil ſoit verrei & a quele heure qe avant le juggement rendu le title ſoit trovee par bone information nient verrei ne juſt ſoit la collation ou preſentement en fait repelle & eit le patron ou le poſſeſſour qe monſtra & prova la faux title ſur ce briefs de la Chancellerie quanqe a lui ſerront buſoignables.

" ITEM, Whereas before this Time our Lord the " King hath taken Title to preſent to Benefices at " the Suggeſtion of many Clerks, where the Title hath " not been true, and by ſuch Preſentments and Judge- " ments thereupon given, the Clerks have been re- " ceived by the Ordinaries of the Places, againſt God " and good Faith, and in Depreſſion of them which " had good and true Title to the ſaid Benefices;" ' now the King will and granteth, That at what ' Time he ſhall take Collation or Preſentment, from ' henceforth, to any Benefice in another's Right, that ' the Title whereupon he groundeth himſelf ſhall be ' well examined that it be true; and at what Time ' before Judgement the Title be found by good Infor- ' mation, untrue or unjuſt, the Collation or Preſent- ' ment thereof made, ſhall be repealed; and the Pa- ' tron, or the Poſſeſſor, which ſhall ſhew and prove ' the falſe Title, ſhall have thereupon Writs out of the ' Chancery as many as to him ſhall be needful.'

46 Ed. 3. f. 16.

Confirmed by 12 R. 2. ſtat. 2. c. 1. *and enforced by* 4 H. 4. c. 22.

CAP. IV.

Clerks convicted of Felony or Treaſon ſhall be delivered to their Ordinaries.

ITEM come les ditz Prelatz eient grevouſement pleint empreiant ent remedie de ce qe clercs ſeculers auxi bien chapelleins come autres moignes & autres gentz de religion eient eſte treinez & penduz par agard des Juſtices ſeculers en prejudice des franchiſes & depreſſion de juriſdiction de ſeinte egliſe ſi eſt accorde & grante par le Roi en ſon dit parlement qe touz maneres des clercs auxibien ſeculers come religiouſes qi ſerront deſore convictz devant les Juſtices ſeculers pur quecomqes felonies ou treſons touchantes autres perſones qe le Roi meiſmes ou ſa roiale majeſte eient & enjoient franchement deſore privilege de ſeinte egliſe & ſoient ſaunz nule empeſchement ou delai liverez a les Ordinaries eux demandantz. Et pur ce grant le dit Erceveſqe promiſt au Roi qe ſur le puniſſement & ſauve gard de tieux clercs meffeſours qe ſerront enſy as Ordenares liverez il ent ferroit ordenance covenable parla quelle tieux clercs ent ſerroient ſalvement gardez & duement punitz enſi qe nul clerc emprendreit mes baudure de enſi meffaire par defaute de chaſtiſement.

" ITEM, Whereas the ſaid Prelates have grievouſly " complained, praying thereof Remedy, for that " ſecular Clerks, as well Chaplains, as other Monks, " and other People of Religion, have been drawn and " hanged by Award of the ſecular Juſtices, in Preju- " dice of the Franchiſes of holy Church, and in Op- " preſſion of the Juriſdiction thereof;" ' it is accord- ' ed and granted by the ſaid King in his Parliament, ' That all manner of Clerks, as well ſecular as re- ' ligious, which ſhall be from henceforth convict be- ' fore the ſecular Juſtices aforeſaid, for any Treaſons ' or Felonies touching other Perſons than the King ' himſelf, or his Royal Majeſty, ſhall from henceforth ' freely have and enjoy the Privilege of holy Church, ' and ſhall be, without any Impeachment or Delay, ' delivered to the Ordinaries demanding them. And ' for this Grant the ſaid Archbiſhop promiſeth to our ' Lord the King, that upon the Puniſhment and ſafe ' keeping of ſuch Clerks Offenders, which ſo ſhall be ' delivered to the Ordinaries, he ſhall thereof make ' a convenient Ordinance, whereby they ſhall be ſafely ' kept and duly puniſhed, ſo that no Clerk ſhall take ' Courage to offend for Default of Correction.'

Hob. 288.

Bro. Clerg. 25. 18 El. c. 7. *orders that none allowed their Clergy, be delivered to the Ordinary.*

See 28 H. 8. c. 1. *ſec.* 7. *by which Perſons in holy Orders are made ſubject to the ſame Pains as others.*

CAP. V.

A Clerk shall be arraigned of all his Offences at once.

Dyer 214. Bro. Clerg. 24, 30. Kelyng 41, 42. *Altered by* 8 El. c. 4. *and* 18 El. c. 7. *which ordains that none allowed their Clergy, be delivered to the Ordinary.*

"ITEM, Although that Clerks arraigned of Felony before secular Justices, which challenged their Clergy, and were demanded by the Ordinary of the Place, have been often before this Time remanded to the Gaol by the said Justices, surmising to them, that other Things be to be said against them; nevertheless because the common Law is, That a Clerk in such Case ought not to be remanded to the Gaol, but ought to be presently arraigned of all, or otherwise delivered to the Ordinary;" 'it is accorded, That this Point be kept by all Manner of Justices and Judges secular throughout our Realm.'

See the foregoing Chapter.

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ITEM coment qe clercs aresnes de felonie devant Justices seculers qe chalengeient leur clergie & feurent demandez par le Ordinaire del lieu eient estee sovent avant ces heures remandez a la gaole par les ditz Justices surmettent a eux qe homme ad autre chose a dire devers eux nient meins pur ce qe commune lei est qe clerc en tieu cas ne droit estre remande a la gaole mes doit meintenant estre arenee de tout ou autrement delivres al Ordenairie Acorde est qe cest point soit garde par toutes maneres des Justices & Juggez seculers par toute nostre roialme.

CAP. VI.

A Bishop's Temporalties shall not be seised for a Contempt.

1 Ed. 3. stat. 2. c. 2. 14 Ed. 3. stat. 4. c. 3.

"ITEM, Because the Temporalties of Archbishops and Bishops have been oftentimes taken into the King's Hands for Contempts done to him, upon *Writs* of *Quare non admisit*, and likewise for divers other Causes, whereof the said Prelates have prayed the King, that no such taking shall from henceforth be made, sith they be Peers of the Land;" 9 Ed. 4. f. 28. Bro. Ord. 12. 'the King will and granteth in the same Parliament, That all the Justices which from henceforth shall give Judgement against any Prelate of the Land in such Case, or the like, that they in such Case may freely receive, and from henceforth shall receive for the Contempt so judged, a reasonable Fine of the Party so condemned, according to the Quantity of the Trespass, and after the Quality of the Contempt, incontinently at the Time of the Judgement, if the Party offer the same, or otherwise after the Judgement, at what Time the Party will offer himself; and if it need, the Chancellor and the Treasurer shall be called to the Receipt of the said Fines.'

ITEM pur ce qe les temporaltees des Erceveſqes & Eveſqes ount este sovent foitz pris en la main le Roi pur contempt fait a lui sur le brief Quare non admisit & ensement par plusures autres causes dount les ditz Prelatz ount priez au Roi qe nule tiele prise se face desore desicome ils sont pieres de la terre si voet le Roi & grant en meisme cest dit parlement qe touz les Justices qe rendront desore les juggementz contre nul Prelat de la terre en tieu cas ou semblable qils en tieu cas pussent franchement receivre & desore receivent pur le contempt ensi ajugge fyn resonable de la partie ensy condempnee solonc la quantite du trespas & solonc la qualite du contempt meintenant au temps de juggement si la partie loffre ou autrement apres le juggement a quelle heure qe la partie le voet offrer & sil busoigne le chanceller & Treserer soient a la receite de ditsyn appellez.

CAP. VII.

The Ordinary may counterplead the King's Title for a Benefice fallen by Lapse.

23 Ed. 1. stat. 3. c. 5. Hob. 161. 7 Co. 26. 1 Roll. 453, 458. 466, 470. 2 Roll 452.

"ITEM, Because that many Presentments to divers Benefices of holy Church, as well of the Patronage of Lay People, as of People of holy Church, which were void by six Months, whereof the Collation of such Benefices by Lapse of Time was devolute, and of Right pertaining to the Ordinaries of the Places, were recovered by the King by Judgements thereof given of the Assent of the said Patrons, in Deceit of the said Collations so made reasonably by the said Ordinaries; in which Pleas the Ordinaries nor their Clerks, to whom they did give such Benefices, were not received to shew nor defend their Right in this Behalf, nor to counterplead the King's Right so claimed, which is not reasonable:" 3 Leonard. 45. Fitz. Quare impedit, 194, 196. Fitz. Liv. 34. Hob. 318. Savill 108. 2 Mod. 279. 'Wherefore the King, by the Assent of the said Parliament, will and granteth for him and his Heirs, That when Archbishops, Bishops, or other Ordinaries, have given a Benefice of Right devolute to him by Lapse of Time, and after the King presenteth and taketh the Suit against the Patron, which percase will suffer that the King shall recover without

ITEM pur ce qe plusurs presentementz as diverses benefices de seinte eglise sibien de patronage de laiez gentz come de gentz de seinte eglise qestoient voides par sys mois dount les collations de tieux benefices par laps de temps estoient devolutz & de droit appurtenantz a les Ordinaries des lieux estoient recoverez par le Roi par juggement ent rendu de lassent des ditz patrons en deceit de les collations ensi faites resonablement par les ditz Ordinaries en queux plees a eux defendre & contrepleder le droit le Roi ensi clamee les Ordinaries ne lours clercs as queux ils donoient tieux benefices nestoient receuz a monstrer ou defendre lour droit en celle partie la quele chose nestoit mie resonable par quoi le Roi de lassent de son dit parlement voet & grant pur lui & pur ses heirs qe quant Erceveſqe Eveſqe ou autre Ordinarie ad done un benefice de droit a lui devolut par laps de temps & apres le Roi presente & preigne sa seute devers lun patron qi par cas voet soefrir qe le Roi recouvre saunz action trie en deceit de Lordinair ou le possessour des ditz benefices

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ſices qe en tieu cas & en toutes autres caſes ſemblables ou le droit le Roi neſt pas trie Lerceveſqe Eveſqe Ordinar ou le poſſeſſour ſoient receuz a contrepleder le title pris pur le Roi & davoir ſon reſpons & a monſtrer & defendre ſon droit ſur la matire tout ſoit il qe il riens cleime el patronage en cas ſuſdit.

'Action tried, in deceit of the Ordinary, or the Poſſeſſor of the ſaid Benefices, that in ſuch Caſe, and all other Caſes like, where the King's Right is not tried, the Archbiſhop or Biſhop, Ordinary or Poſſeſſor, ſhall be received to counterplead the Title taken for the King, and to have his Anſwer, and to ſhew and defend his Right upon the Matter, although that he claim nothing in the Patronage in the Caſe aforeſaid.' Br. Petition, 5. 13 R. 2. ſtat. 1 c. 1. *the King's it by*

Preſentee ſhall not be received to a Church full of an Incumbent, till he hath recovered

CAP. VIII

Cogniſance of Avoidance of Benefices appertaineth to the Eccleſiaſtical Judge.

ITEM come les ditz Prelatz eient monſtrez & priez remedie ſur ce qe les Juſtices ſeculers acrochent a eux coniſſance de voidance des benefices de droit quelle coniſſance & diſcuſſion attient a jugge de ſeinte egliſe & nient a lai jugge ſi voet le Roi & grante qe les dites Juſtices deſore receivent tieles chalenges faites ou affaire par quecumqes Prelatz de ſeinte egliſe en celle partie & outre ent facent droit & reſon.

"ITEM, Whereas the ſaid Prelates have ſhewed and prayed Remedy, for that the ſecular Juſtices do accroch to them Cogniſance of Voidance of Benefices of Right, which Cogniſance and the diſcuſſing thereof pertaineth to the Judges of holy Church, and not to the Lay-Judge;" 'the King will and granteth, That the ſaid Juſtices ſhall from henceforth receive ſuch Challenges made or to be made by any Prelate of holy Church in this Behalf, and moreover thereof ſhall do Right and Reaſon.'

CAP. IX.

Indictments of Ordinaries for Extortion ſhall be put in Certainty.

ITEM pur ce qe les Juſtices le Roi parnent enditementz des Ordinaries & de lours miniſtres de extorſions & oppreſſions & les empeſchent ſaunz ce qils mettent en certein en quoi ou de qi ou en quelle manere ils ount fait extorſion ſi voet le Roi qe les Juſtices le Roi ne empeſchent deſore les Ordinaries ne lour miniſtres par cauſe de tieux enditementz des generals extorſions ou oppreſſions ſils ne mettent ou dient en certein en quelle choſe & de qi & en quelle manere les ditz Ordinaries ou lour miniſtres ount fait extorſions ou oppreſſions.

"ITEM, Becauſe that the King's Juſtices do take Indictments of Ordinaries, and of their Miniſters, of Extortions and Oppreſſions, and impeach them, without putting in certain, wherein or whereof, or in what Manner they have done Extortion;" 'the King will, That his Juſtices ſhall not from henceforth impeach the Ordinaries, nor their Miniſters, becauſe of ſuch Indictments of general Extortions or Oppreſſions, unleſs they ſay, and put in certain, in what Thing, and of what, and in what Manner, the ſaid Ordinaries or their Miniſters have done Extortions or Oppreſſions.'

Le Roi a touz ceux as queux ceſtes lettres vendront ſaluz. Come en noſtre darein parlement tenuz a Weſtm' en la feſte de ſeint Hiller darrein paſſe entre autres petitions & articles miſes avant en meiſme le parlement par lonurable piere en Dieu Simon erceveſqe de Canterbirs pur lui & ſes confrers eveſqes de ſa province des certeines grevances queles ils diſoient eſtre faites a ſeinte egliſe encountre les privileges dycelle feuſt chalenge depar le dite clergie qe quecumqes clercs convictz de ce qe ils avoient fauxe ou contrefait noſtro monoie ou noſtre grant ou privee ſeals deuſſent enjoier privilege de ſeinte egliſe & qe legliſe avoit eſte en poſſeſſion de tieux. Nous pur cauſe qe nous ne poons mie pur autres groſſes buſoignes entendre a la diſcuſſion de ce point voillantz auxibien ſauver leſtat de ſeinte egliſe come le noſtre volons & grantons qe ceſt article ſoit mis en ſuſpens tanqe a noſtre proſchein parlement en le quel ce point purra plus pleinement eſtre diſcuſſe & la verite ent trie & qe ſi en le meen temps nul clerc ſoit convict qil eit fauxe ou contrefait la monoie de la terre ou aſcun de noz ſealx avantditz qil ne ſoit pur le temps mis a la mort par agarde de jugge ſeculer mes remys a priſone a y demorer en ſauvegard ſaunz nulle liverance faire al ordenair tanqe autrement en ſeit ordene. En teſmoignance de quelle choſe nous avoms fait faire ceſtes noz lettres patentes. Don a Weſtm' le xx. jour de Feverer lan de noſtre regne dEngleterre vintiſme ſiſme & de France treſziſme.

☞ *Note, Theſe Statutes in general are confirmed by 4 H. 4. c. 2.*

Statute of Cloths, made Anno 25 EDW. III. *Stat.* 4. *and* Anno Dom. 1350.

CAP. I.

The Aulneger ſhall be ſworn to do his Duty. The Penalty if he offend*.

* 11 *W.* 3. *c.* 20. *takes away Aulnage Duties.*

CAP. II.

Merchant Strangers may buy and ſell without Diſturbance.

9 Ed. 3. ſtat. 1. c. 1.
9 H. 3. ſtat. 1. c. 30.
14 *Ed.* 3. *ſtat.* 2. *c.* 2.

" ITEM, Whereas it is contained in a Statute made
" at *York* the Ninth Year of the Reign of our
" Lord the King that now is, that all Merchants, Ali-
" ens, and Denizens, and all other, and every of them,
" of what Eſtate or Condition they were, which would
" buy or ſell Corn, Wine, *Avoir de pois*, Fleſh, Fiſh,
" and all other Livings and Victual, Cloths, Chaffer,
" Woolls, Merchandiſes, or any other Things vendi-
" ble, from what Part they come, by Foreigners or
" by Denizens, to what Place ſoever it be, Borough,
" Town, Port of the Sea, Fair, Market, or other
" Place within this Realm, within Franchiſes or with-
" out, may freely and without Diſturbance ſell the ſame
" to whom pleaſe them, as well to Foreigners as to Deni-
" zens, except the Enemies of our Lord the King and his
" Realm:" ' it is accorded by our Lord the King, the
' Prelates, Earls, Barons, and other great Men, and the
' Commons in this preſent Parliament, That the ſaid
' Statute, in all Points and Articles contained in the ſame,
' be holden, kept, and maintained. And if that any
' Statute, Charter, Letters Patents, Proclamation, or
' Commandment, Uſage, Allowance, or Judgement
' be made to the contrary, the ſame ſhall be openly
' repealed, void, and holden for none. And more-
' over, that every Merchant, or other, of what Con-
' dition he be, as well Alien as Denizen, that bring
' Wines, Fleſh, Fiſh, or other Victuals, Cloths,
' Woolfels, *Avoir de pois*, or any other Manner of
' Merchandiſes, or Chaffer, to the City of *London*, or
' other Cities, Boroughs, and good Towns of *Eng-*
' *land*, or Ports of the Sea, may freely, and without
' Challenge or Impeachment of any, ſell in groſs or at
' Retail, or by Parcels, at his Will, to all Manner of
' People that will buy the ſame, notwithſtanding any
' Franchiſes, Grants, or Cuſtom uſed, or any other
' Things done to the contrary ſithence that ſuch Uſa-
' ges and Franchiſes be to the common Prejudice of the
' King and his People. And that no Mayor, Bai-
' liff, Catchpole, Miniſter, nor other, ſhall meddle
' with the Sale of any Manner of Victual vendible,
' brought to Cities, Boroughs, or other Towns, nor
' Fair nor Market, but only he to whom the Victuals
' be; and Proclamation be thereof made of new in
' all Counties of *England*, and in the City of *London*,
' and in all other Cities, Boroughs, good Towns,
' Ports of the Sea, and other Places within the Realm
' of *England*, where Need ſhall be; and that the King
' thereupon cauſe to be aſſigned his Juſtices at all
' Times that ſhall pleaſe him, and if Need be, to en-
' quire of all thoſe that ſhall offend againſt this Ordi-
' nance, or do any Thing againſt the ſame, and to pu-
' niſh them according to the Pain contained in the
' ſame Statute made in the ſaid Ninth Year. And that
' every Perſon that will ſue againſt any ſuch, ſhall

Altered by 26 R. 2. c. 1. No Officer ſhall meddle with the Sale of a Stranger's Goods.

Ex Rot. in Turr. Lond.

ITEM come contenu ſoit en un eſtatut fait a Everwyk lan du regne noſtre dit Seignur le Roi noefiſme qe touz marchantz aliens & denzeins & touz autres & cheſcun deux de quel eſtat ou condition qils ſoient qi achater ou vendre voillent bledz vins avoir du pois chars peſſons & toutes autres vivres & vitailles leines draps merces marchandiſes & totes maneres dautres choſes vendables de quele part qils viegnent part foreins ou par denzeinzs a quel lieu qe ce ſoit ſoit il burgh ville port du meer faire marche ou autre lieu deinz meiſme le Roialme deinz franchiſe ou dehors les puiſſent franchement & ſanz deſtourber vendre a qi qe lour pleſt auxibien as foreins come as denzeins forſpris les enemys de noſtre Seignur le Roi & de ſon Roialme Accorde eſt par noſtre dit Seignur le Roi Prelatz Countes Barons & touz autres grantz & communes en ceſt preſent parlement qe le dit eſtatut en touz pointz & articles contenuz en ycel ſoit tenu garde & meintenu. Et qe ſi nul eſtatut chartre lettre patente proclamation ou mandement uſage allouance ou jugement ſoit fait au contraire ſoit overtement repelle anienty & tenu pur nul. Et outre ce qe cheſcun marchant ou autre de quele condition qil ſoit auxibien alien come denzein qi amene vins chars peſſon ou autre manere des vittailles draps peaux ou avoir du pois ou quecomque autres merces ou marchandiſes a la Citee de Londres ou as autres citees burghs & bones villes dEngleterre ou portz de meer les poet franchement & ſanz chalange ou empeſchement de nuli vendre en groſs ou a retaill ou par parcelles a ſa volunte a queconqes gentz qi les vodront achater nient contreſtreant quecumqe franchiſe grante ou cuſtume uſe ou quecomqe autre choſe faite au contraire deſicome qe tielx franchiſes & uſages ſont en commune prejudice du Roi & de tut ſon poeple. Et qe nul mair baillif catchepole miniſtre ne nule autre ſe melle de la vente de nule manere des vitailles vendables menez ou portez as citees burghs ne autres villes nefaire ne marche fors ſoulement celi a qi les vitailles ſont & qe proclamation ent ſoit faite de novel en touz les countez dEngleterre & en la Citee de Londres & en touz autres citees burghs bones villes portz du meer & aillours deinz le Roialme dEngleterre ou meſtire ſerra & qe noſtre dit Seignur le Roi ſur ce face aſſigner ſes Juſtices totes les foitz qe lui plerra & meſter ſoit denquere de touz ceux qi vendront ou riens facent alencontre & de les punir ſelonc la peine contenue en meiſme leſtatut fait lan noefiſme. Et qe cheſcun qi vorra ſuir de-

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vers nul tiel eit briefs de la Chancellerie de lui attacher par ſon corps come deſtourbeour de commune profit de lui faire ent venir a reſpons en la Court le Roi.

'have a Writ in the Chancery to attach him by his 'Body as a Diſturber of the common Profit, to cauſe 'him to come thereof to make Anſwer in the King's 'Court.'

Enforced by 2 R. 2. ſtat. 1. c. 1. 11 R. 2. c. 7. *But See* 5 H. 4.

c. 9. 6 H. 4. c. 4. *putting Merchant Strangers under ſome Reſtrictions. See likewiſe* 12 H. 7. c. 6. *concerning Merchant Adventurers.*

CAP. III.

The Penalty of him that doth foreſtall Wares, Merchandiſe, or Victual.

ACorde eſt auxint & eſtabli qe les forſtallours des vins & des autres vitailles & de toutes autres merces & merchandiſes qe viegnont a les bones villes par terre ou par eawe en damage de noſtre Seignur le Roi & de ſon poeple ſi de ceo ſoient atteintz a la ſuite le Roi ou de partie devant mair baillifs ou Juſtices a ce aſſignes ou aillours en la court le Roi & ſil ſoit atteint a le ſuite le Roi par enditement ou en autre manere ſoient les choſes forſtalles forfaitz au Roi ſi lachatour ent eit fait gree au vendour & ſil neit fait gree de tut mes par arres encourge lachatour la forfaiture de tant come les biens forſtalles amountent ſelonc la value qil les avera achate ſil eit de quoi & ſil neit adonqes eit la priſone de deux annz & plus a la volunte le Roi ſanz eſtre leſſe a mainpriſe ou delivres en autre manere. Et ſil ſoit atteint a ſuite de partie eit la partie la moite de tielx choſes forſtalles & forfaitz ou la pris du doun le Roi & le Roi lautre moite.

'ITEM it is accorded and eſtabliſhed, That the 'Foreſtallers of Wines, and all other Victuals, 'Wares and Merchandiſes that come to the good 'Towns of *England*, by Land or Water, in Damage of our Lord the King and of his People, if 'they be thereof attainted at the Suit of the King, or 'of the Party, before Mayor, Bailiff or Juſtices 'thereto aſſigned, or elſewhere in the King's Court; 'and if they be attainted at the King's Suit by Indict'ment or in other Manner, the Things foreſtalled 'ſhall be forfeited to the King, if the Buyer thereof 'hath made Gree to the Seller: And if he have not 'made Gree of all, but by Earneſt, the Buyer ſhall 'incur the Forfeiture of as much as the foreſtalled 'Goods forfeited, do amount to, after the Value as he 'bought them, if he have whereof; and if he have 'not whereof, then he ſhall have two Years Impri'ſonment, and more, at the King's Will, without 'being let to Mainpriſe, or delivered in other Man'ner. And if he be attainted at the Suit of the Par'ty, the Party ſhall have the one half of ſuch Things 'foreſtalled and forfeit, or the Price, of the King's 'Gift, and the King the other half.'

Confirmed by 2 R. 2. ſtat. 1. c. 2.

Enforced by 27 *Ed.* 3. *ſtat.* 2. *c.* 11. 28 *Ed.* 3. *c.* 13. *ſec.* 3. 5 & 6 Ed. 6. c. 14. *declares the Puniſhment of Foreſtallers.*

CAP. IV.

New Wears ſhall be pulled down, and not repaired.

ITEM pur ce qe communes paſſages de neefs & batelx en les grantz rivers dEngleterre ſi ſont ſovent foitz deſtourbez par le lever de gortz molins eſtanks eſtackes & kideux en grant damage du poeple Acorde eſt & eſtabli qe touz tiels gortz molins eſtanks eſtackes & kideux qe ſont lewes & mys en temps le Roi Lael & puis encea en tielx rivers par queux les nieſs & batelx ſont deſtourbes qils ne poent paſſer come ils ſoloient ſoient ouſtes & nettement abatuz ſanz eſtre relevez & ſoient ſur ce briefs mandez as viſcontz de lieux ou meſter ſerra de ſurveer & denquere & de faire ent execution & auxint qe Juſtices ſoient ſur ce aſſignez a totes le foitz qil beſoignera.

"ITEM, Whereas the common Paſſage of Boats "and Ships in the great Rivers of *England* be of"tentimes annoyed by the inhanſing of Gorces, Mills, "Wears, Stanks, Stakes, and Kiddles, in great Da"mage of the People;" 'it is accorded and eſtabliſhed, 'That all ſuch Gorces, Mills, Wears, Stanks, Stakes, 'and Kiddles, which be levied and ſet up in the Time of 'King EDWARD the King's Grandfather, and after, in "ſuch Rivers, whereby the ſaid Ships and Boats be diſ'turbed, that they cannot paſs in ſuch River as they 'were wont, ſhall be out and utterly pulled down, 'without being renewed; and thereupon Writs ſhall 'be ſent to the Sheriffs of the Places where Need ſhall 'be, to ſurvey and inquire, and to do thereof Execu'tion; and alſo the Juſtices ſhall be thereupon aſſign'ed at all Times that ſhall be needful.'

Confirmed By 45 Ed. 3. c. 2. 1 H. 4. c. 12.

4 H. 4. c. 11. 9 H. 6. c. 9. *Enforced by* 12 E. 4. c. 7. *which inflicts Penalty on Offenders. See farther Index, tit.* Wears.

A Statute of Purveyors, made Anno 25 EDW. III. *Stat.* 5. *and* Anno Dom. 1350.

Ex Rot. in Turr. Lond. *m.* 16.

AU parlement ſomonz a Weſtm' en la feſte de Seinte Hiller' lan du regne noſtre Seignur le Roi EDWARD dEngleterre vintiſme quint & de France douziſme noſtre Seignur le Roi

"AT the Parliament ſummoned at *Weſtminſter* in "the Feaſt of St. *Hilary*, the Year of the Reign "of our Lord King EDWARD the Third after "the Conqueſt of *England* the Five and Twentieth,

" and

" and of *France* the Twelfth; our ſaid Lord the King,
" by the Aſſent of the Prelates, Dukes, Earls, Barons,
" and of all the Commonalty of his Realm of *England*
" ſummoned to the Parliament, to the Honour of God
" and holy Church, and in Amendment of his ſaid
" Realm, hath ordained and eſtabliſhed the Things
" under-written."

Ex Rot. in Turr. Lond.

del aſſent des Prelatz Ducs Countes Barons & de tout la communalte de ſon Roialme dEngleterre au dit parlement ſomons al honur de Dieu & de Seinte Egliſe & en amendement de ſon dit Roialme ad ordeine & eſtabli les choſes ſoutzeſcriptes.

CAP. I.

By what Meaſures the King's Purveyors ſhall take Corn. Things purveyed ſhall be praiſed, and Tallies made thereof.

Corn ſhall be taken by Meaſure ſtriken. 23 H. 6. c. 1. Things taken for the King's Houſe ſhall be praiſed at the very Value. Tallies ſhall be made between the Purveyor and the Owner of the Goods taken.

EN primes pur ce qe tres grauntz & tres outrageouſes damages & grevances ſont faites au poeple par les parnours & purveyors des vitailles pur les hoſteux noſtre Seignur le Roi madame la Roigne & de lour enfantz ſi eſt acorde & aſſentuz en le dit parlement qe les parnours & purveiours des bledz pur les ditz hoſteux les preignent par meſure raſen ſelonc ceo qe homme uſe parmy le Roialme. Et qe touz bledz feyns litere & beſtaill & touz autres vitailles & choſes quecumqes queles ſont aprendre pur meiſmes les hoſteux ſoient priſez a la verroie value par les coneſtables & autres bons gentz des villes ou tieles priſes ſe feront ſanz ce qe par manaces ou dureſces ſoient les preiſours chacez a mettre autre pris qe lour ſerement ne voet & come curt comunement en les proſcheins marchees. Et qe entre les purveours & ceux des queux les biens ſerront priſes en la preſence des coneſtables & preiſours ſoient tailles tantoſt faites ſaunz ceo qe les gentz des queux les biens ſerront priſes ſoient aillours traitz ou travaillez & meiſmes les tailles enſealez des ſeals les parnours des choſes iſſint priſes par les queles tailles gre ſoit fait as ceux des queux les choſes ſerront iſſint priſes. Et ſi nul parnour ou purveour pur les ditz hoſteux face par autre manere ſoit meintenant areſtu par la villee ou la priſe ſerra faite & meſne a la proſcheine gaole & ſi de ceo ſoit atteint ſoit la fait de lui come de laron ſi la quantite des biens le demand ſolonc ceo qen un eſtatut fait en temps meiſme noſtre Seignur le Roi lan de ſon regne quint & en un autre eſtatut fait en temps lael noſtre Seignur le Roi ſur tieles priſes eſt contenuz plus au plein. Et qe deſore ſoit contenuz es commiſſions des tieux purveours & parnours lentent & la peine contenuz en ceſt eſtatut. Et qe nule commiſſion ſoit faite forſqe ſoulement ſouz les grant ou prive ſealx le Roi ne qe nul homme ſoit tenuz de obeier a autre commiſſion nen autre manere qe neſt dit en avant & qe meiſme leſtatut tiegne lieu en toutz pointz devers cheſcun parnour & purveour de cheſcune manere des vitailles en cheſcune partie du Roialme de quele condition qil ſoit.

5 Ed. 3. c. 2. 34 Ed. 1. c. 2. The Purveyors Commiſſions ſhall be under the Great or Privy Seal.

CAP. II.

A Declaration which Offences ſhall be adjudged Treaſon.

Confirmed by 1 H. 4. c. 10. Kelyng 20. 3 Inſt. 1, 6, 113. 8 Co. 28. Dyer 98, 298. Bro. Treaſon, 1, 2, 3, 7, 9, 11, 13, 16, 19, 24. 27, 32. Co. pla. 360. Dyer 296. 3 Co. 2, 10. 4 Co. 57. 7 Co. 33. Dyer 128, 332. 13 Co. 54. Savill. 4.

" ITEM, Whereas divers Opinions have been be-
" fore this Time *in what Caſe Treaſon ſhall be*
" *ſaid, and in what not*;" ' the King, at the Re-
' queſt of the Lords and of the Commons, hath made
' a Declaration in the Manner as hereafter followeth;
' that is to ſay, When a Man doth compaſs or ima-
' gine the Death of our Lord the King, or of our
' Lady his Queen, or of their eldeſt Son and Heir;
' or if a Man do violate the King's Companion, or
' the King's eldeſt Daughter unmarried, or the Wife
' of the King's eldeſt Son and Heir; *or if a Man*
' *do levy War againſt our Lord the King in his Realm*,
' or be adherent to the King's Enemies in his Realm,
' giving to them Aid and Comfort, in the Realm,
' or elſewhere, *and thereof be probably attainted of*
' *open Deed by the People of their Condition.* And
' if a Man counterfeit the King's Great or Privy
' Seal, or his Money; and if a Man bring falſe
' Money into this Realm, counterfeit to the Mo-
' ney of *England*, as the Money called *Luſhburgh*, or
' other like to the ſaid Money of *England*, know-
' ing the Money to be falſe, to merchandize or make
' Payment, in Deceit of our ſaid Lord the King and
' of his People; and if a Man ſlea the Chancellor,
' Treaſurer, or the King's Juſtices of the one Bench
' or the other, Juſtices in Eyre, or Juſtices of Aſſiſe,
' and all other Juſtices aſſigned to hear and deter-
' mine, being in their Places, doing their Offices.
' And it is to be underſtood, that in the Caſes

AUxint pur ceo qe diverſes opinions ount eſte einz ces heures qen cas quant il avient doit eſtre dit treſon & en quel cas noun le Roi a la requeſte des Seignurs & de la Communalte ad fait declariſſement qe enſuit ceſt aſſavoir Quant homme fait compaſſer ou imaginer la mort noſtre Seignur le Roi madame ſa compaigne ou de lour fitz primer & heir ou ſi homme violaſt la compaigne le Roi ou leiſneſce fill le Roi nient marie ou la compaigne leiſne fitz & heir du Roi & ſi homme leve de guerre contre noſtre dit Seignur le Roi en ſon Roialme ou ſoit aherdant as enemys noſtre Seignur le Roi en le Roialme donant a eux eid ou conforten ſon Roialme ou par aillours & de ceo provablement ſoit atteint de overt faite par gentz de lour condition. Et ſi homme contreface les grant ou prive ſealx le Roi ou ſa monoie & ſi homme apport faus monoie en ceſte Roialme contrefaite a la monoie dEngleterre ſicome la monoie appelle Lucynburgh ou autre ſemblable a la dite monoie dEngleterre ſachant la monoie eſtre faus pur marchander ou paiement faire en deceit noſtre dit Seignur le Roi & ſon poeple & ſi homme tuaſt Chanceller Treſorer ou Juſtice noſtre Seignur le Roi del un Baunk ou del autre Juſtice en Eir & des aſſiſes & toutes autres Juſtices aſſignez a oier & terminer eſteiantz en lours places en feſantz lours offices. Et fait a entendre qen les caſes ſuiſnomes doit eſtre ajugge treſon qe ſeſtent a noſtre Seignur le Roi & a ſa roial majeſte

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majeſte & de tiele manere de treſon la forfeiture des eſchetes appartient a noſtre Seignur le Roi ſibien des terres & tenemenz tenuz des autres come de lui meiſmes. Et oveſqe ceo il y ad autre manere de treſon ceſt aſſavoir quant un ſervant tue ſon meiſtre une femme qe tue ſon baron quaunt homme ſeculer ou de religion tue ſon Prelat a qi il doit foi & obedience & tiele manere de treſon donn forfaiture des eſchetes a cheſcun Seignur de ſon fee propre. Et pur ceo qe pluſurs autres caſes de ſemblable treſon purront eſcheer en temps a venir queux homme ne purra penſer ne declarer en preſent Aſſentu eſt qe ſi autre cas ſuppoſee treſon qe neſt eſpecifie paramount aviegne de novel devant aſcunes Juſtices demoerge la Juſtices ſaunz aler au juggement de treſon tanqe par devant noſtre Seignur le Roi en ſon parlement ſoit le cas monſtree & deſclarre le que ceo doit eſtre ajugge treſon ou autre felonie. Et ſi par cas aſcun homme de ceſt roialme chivache arme deſcovert ou ſecrement od gentz armees contre aſcun autre pur lui tuer ou derober ou pur lui prendre & retenir tanqil face fyn ou raunceon pur ſa deliverance avoir neſt pas lentent du Roi & de ſon conſeil qe en tiel cas ſoit ajugge treſon einz ſoit ajugge felonie ou treſpaſs ſolonc la lei de la terre auncienement uſee & ſolonc ceo qe le cas demand. Et ſi en tieu cas ou autre ſemblable devant ces heures aſcune Juſtice eit ajugge treſon & par celle cauſe les terres & tenemenz ſoient devenuz en la main noſtre Seignur le Roi come forfaitz eient les chiefs Seignurs de fee lours eſchetes des tenemenz de eux tenuz le quel qe les tenemenz ſoient en la main noſtre Seignur le Roi ou en la main des autres par donn ou en autre manere Sauvant totefoitz a noſtre Seignur le Roi lan & le waſt & autres forfaitures des chateux qe a lui attenent en les caſes ſuiſnomes & qe briefs de Scire facias vers les terres tenantz ſoient grantez en tieu cas ſaunz autre originale & ſaunz allower la protection noſtre Seignur le Roi en la dite ſeute & qe de les terres qe ſont en la main le Roi ſoit grante brief as viſcontes des countees la ou les terres ſerront de oſtier la main le Roi ſaunz outre delaie.

‘ above rehearſed, that ought to be judged Treaſon ‘ which extends to our Lord the King, and his Royal ‘ Majeſty: And of ſuch Treaſon the Forfeiture of ‘ the Eſcheats pertaineth to our Sovereign Lord, as ‘ well of the Lands and Tenements holden of other, ‘ as of himſelf. And moreover there is another Man- ‘ ner of Treaſon, that is to ſay, when a Servant ſlay- ‘ eth his Maſter, or a Wife her Huſband, or when a ‘ Man Secular or Religious ſlayeth his Prelate, to ‘ whom he oweth Faith and Obedience; and of ſuch ‘ Treaſon the Eſcheats ought to pertain to every ‘ Lord of his own Fee. *And becauſe that many other like Caſes of Treaſon may happen in Time to come, which a Man cannot think nor declare at this preſent Time; it is accorded, That if any other Caſe, ſuppoſed Treaſon, which is not above ſpecified, doth happen before any Juſtices, the Juſtices ſhall tarry without any going to Judgement of the Treaſon till the Cauſe be ſhewed and declared before the King and his Parliament, whether it ought to be judged Treaſon or other Felony.* And, if percaſe any Man of this ‘ Realm, ride armed covertly or ſecretly, with Men of ‘ Arms againſt any other, to ſlay him, or rob him, ‘ or take him, or retain him till he hath made Fine or ‘ Ranſom for to have his Deliverance, it is not the ‘ Mind of the King nor his Council, that in ſuch ‘ Caſe it ſhall be judged Treaſon, but ſhall be judged ‘ Felony or Treſpaſs, according to the Laws of the ‘ Land of old Time uſed, and according as the Caſe ‘ requireth. And if in ſuch Caſe, or other like, be- ‘ fore this Time any Juſtices have judged Treaſon, ‘ and for this Cauſe the Lands and Tenements have ‘ come into the King's Hands as Forfeit, the chief ‘ Lords of the Fee ſhall have the Eſcheats of the Te- ‘ nements holden of them, whether that the ſame Te- ‘ nements be in the King's Hands, or in others, by ‘ Gift or in other Manner; ſaving always to our ‘ Lord the King the Year, and the Waſte, and the ‘ Forfeitures of Chattles, which pertain to him in the ‘ Caſes above named; and that the Writs of *Scire facias* be granted in ſuch Caſe againſt the Land- ‘ Tenants without other Original, and without al- ‘ lowing the Protection of our Lord the King, in the ‘ ſaid Suit; and that of the Lands which be in the ‘ King's Hands, Writs be granted to the Sheriff of ‘ the Counties where the Lands be, to deliver them ‘ out of the King's Hands without Delay.’

The King ſhall have the Forfeiture of all the Offenders Lands in High Treaſon. Fitz. Coron. 7, 210. Bro. Treaſon, 6, 8, 12, 15, 30. 12 Co. 16. Cro. Car. 117, 332. Petit Treaſon.

New Queſtions of Treaſons ſhall firſt be decided in Parliament.

Try. of Earl Straft. 679.

Confirmed by 1 Ed. 6. c. 12. 1 Ma. ſſ. 1. c. 1.

13 Car. 2. ſtat. 1. c. 1. *See farther Index, tit.* Treaſon.

CAP. III.

No Indictor ſhall be put upon the Inqueſt of the Party indicted.

AUxint acorde eſt qe nul enditour ſoit mys en enqueſt ſur la deliverance del endite de treſpas ou de felonie ſil ſoit chalange par tiele cauſe par celui qeſt endite.

‘ ITEM it is accorded, That no Indictor ſhall be ‘ put in Inqueſts upon Deliverance of the Indictees ‘ of Felonies or Treſpaſs, if he be challenged for that ‘ ſame Cauſe by him which is ſo indicted.’

Bro. Chall. 42, 101, 120, 142, 166.

CAP. IV.

None ſhall be condemned upon Suggeſtion without lawful Preſentment.

EStre ceo come contenu ſoit en la Grant Chartre des franchiſes dEngleterre qe nul ſoit pris ne empriſone ne ouſte de ſon frank tenement ne de ſes franchiſes ne de ſes franches cuſtumes ſil ne ſoit par lei de la terre Acorde eſt aſſentu & eſtabli

“ ITEM, Whereas it is contained in the Great ‘ Charter of the Franchiſes of *England*, that none “ ſhall be impriſoned nor put out of his Freehold, nor “ of his Franchiſes nor free Cuſtom, unleſs it be by “ the Law of the Land;” ‘ it is accorded, aſſented, and

9 Hi. 3. ſtat. 1. c. 29.

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" and of *France* the Twelfth; our ſaid Lord the King, " by the Aſſent of the Prelates, Dukes, Earls, Barons, " and of all the Commonalty of his Realm of *England* " ſummoned to the Parliament, to the Honour of God " and holy Church, and in Amendment of his ſaid " Realm, hath ordained and eſtabliſhed the Things " under-written."

del aſſent des Prelatz Ducs Countes Barons & de tout la communalte de ſon Roialme dEngleterre au dit parlement ſomons al honur de Dieu & de Seinte Egliſe & en amendement de ſon dit Roialme ad ordeine & eſtabli les choſes ſoutzeſcriptes.

CAP. I.

By what Meaſures the King's Purveyors ſhall take Corn. Things purveyed ſhall be praiſed, and Tallies made thereof.

Corn ſhall be taken by Meaſure ſtriken. 23 H. 6. c. 1. Things taken for the King's Houſe ſhall be praiſed at the very Value. Tallies ſhall be made between the Purveyor and the Owner of the Goods taken.

EN primes pur ce qe tres grauntz & tres outrageouſes damages & grevances ſont faites au poeple par les parnours & purveyors des vitailles pur les hoſteux noſtre Seignur le Roi madame la Roigne & de lour enfantz ſi eſt acorde & aſſentuz en le dit parlement qe les parnours & purveiours des bledz pur les ditz hoſteux les preignent par meſure raſen ſelonc ceo qe homme uſe parmy le Roialme. Et qe touz bledz feyns litere & beſtaill & touz autres vitailles & choſes quecumqes queles ſont aprendre pur meiſmes les hoſteux ſoient priſez a la verroie value par les coneſtables & autres bons gentz des villes ou tieles priſes ſe feront ſanz ce qe par manaces ou dureſces ſoient les preiſours chacez a mettre autre pris qe lour ſerement ne voet & come curt comunement en les proſcheins marchees. Et qe entre les purveours & ceux des queux les biens ſerront priſes en la preſence des coneſtables & preiſours ſoient tailles tantoſt faites ſaunz ceo qe les gentz des queux les biens ſerront priſes ſoient aillours traitz ou travaillez & meiſmes les tailles enſealez des ſeals les parnours des choſes iſſint priſes par les queles tailles gre ſoit fait as ceux des queux les choſes ſerront iſſint priſes. Et ſi nul parnour ou purveour pur les ditz hoſteux face par autre manere ſoit meintenant areſtu par la villee ou la priſe ſerra faite & meſne a la proſcheine gaole & ſi de ceo ſoit atteint ſoit la fait de lui come de laron ſi la quantite des biens le demand ſolonc ceo qen un eſtatut fait en temps meiſme noſtre Seignur le Roi lan de ſon regne quint & en un autre eſtatut fait en temps lael noſtre Seignur le Roi ſur tieles priſes eſt contenuz plus au plein. Et qe deſore ſoit contenuz es commiſſions des tieux purveours & parnours lentent & la peine contenuz en ceſt eſtatut. Et qe nule commiſſion ſoit faite forſqe ſoulement ſouz les grant ou prive ſealx le Roi ne qe nul homme ſoit tenuz de obeier a autre commiſſion nen autre manere qe neſt dit en avant & qe meiſme leſtatut tiegne lieu en toutz pointz devers cheſcun parnour & purveour de cheſcune manere des vitailles en cheſcune partie du Roialme de quele condition qil ſoit.

5 Ed. 3. c. 2. 34 Ed. 1. c. 2. The Purveyors Commiſſions ſhall be under the Great or Privy Seal.

CAP. II.

A Declaration which Offences ſhall be adjudged Treaſon.

Confirmed by 1 H. 4. c. 10. Kelyng 20. 3 Inſt. 1, 6, 113. 8 Co. 28. Dyer 98, 298. Bro. Treaſon, 1, 2, 3, 7, 9, 11, 13, 16, 19, 24, 27, 32. Co. pla. 360. Dyer 296. 3 Co. 2, 10. 4 Co. 57. 7 Co. 33. Dyer 128, 332. 13 Co. 54. Savill. 4.

" ITEM, Whereas divers Opinions have been be- " fore this Time *in what Caſe Treaſon ſhall be* " *ſaid, and in what not*;" ' the King, at the Re- ' queſt of the Lords and of the Commons, hath made ' a Declaration in the Manner as hereafter followeth; ' that is to ſay, When a Man doth compaſs or ima- ' gine the Death of our Lord the King, or of our ' Lady his Queen, or of their eldeſt Son and Heir; ' or if a Man do violate the King's Companion, or ' the King's eldeſt Daughter unmarried, or the Wife ' of the King's eldeſt Son and Heir; *or if a Man* ' *do levy War againſt our Lord the King in his Realm*, ' or be adherent to the King's Enemies in his Realm, ' giving to them Aid and Comfort, in the Realm, ' or elſewhere, *and thereof be probably attainted of* ' *open Deed by the People of their Condition.* And ' if a Man counterfeit the King's Great or Privy ' Seal, or his Money; and if a Man bring falſe ' Money into this Realm, counterfeit to the Mo- ' ney of *England*, as the Money called *Luſhburgh*, or ' other like to the ſaid Money of *England*, know- ' ing the Money to be falſe, to merchandize or make ' Payment, in Deceit of our ſaid Lord the King and ' of his People; and if a Man ſlea the Chancellor, ' Treaſurer, or the King's Juſtices of the one Bench ' or the other, Juſtices in Eyre, or Juſtices of Aſſiſe, ' and all other Juſtices aſſigned to hear and deter- ' mine, being in their Places, doing their Offices. ' And it is to be underſtood, that in the Caſes

AUxint pur ceo qe diverſes opinions ount eſte einz ces heures qen cas quant il avient doit eſtre dit treſon & en quel cas noun le Roi a la requeſte des Seignurs & de la Communalte ad fait declariſſement qe enſuit ceſt aſſavoir Quant homme fait compaſſer ou imaginer la mort noſtre Seignur le Roi madame ſa compaigne ou de lour fitz primer & heir ou ſi homme violaſt la compaigne le Roi ou leiſneſce fill le Roi nient marie ou la compaigne leiſne fitz & heir du Roi & ſi homme leve de guerre contre noſtre dit Seignur le Roi en ſon Roialme ou ſoit aherdant as enemys noſtre Seignur le Roi en le Roialme donant a eux eid ou confort en ſon Roialme ou par aillours & de ceo provablement ſoit atteint de overt faite par gentz de lour condition. Et ſi homme contreface les grant ou prive ſealx le Roi ou ſa monoie & ſi homme apport faus monoie en ceſte Roialme contrefaite a la monoie dEngleterre ſicome la monoie appelle Lucynburgh ou autre ſemblable a la dite monoie dEngleterre ſachant la monoie eſtre faus pur marchander ou paiement faire en deceit noſtre dit Seignur le Roi & ſon poeple & ſi homme tuaſt Chanceller Treſorer ou Juſtice noſtre Seignur le Roi del un Baunk ou del autre Juſtice en Eir & des aſſiſes & toutes autres Juſtices aſſignez a oier & terminer eſteiantz en lours places en feſantz lours offices. Et fait a entendre qen les caſes ſuiſnomes doit eſtre ajugge treſon qe ſeſtent a noſtre Seignur le Roi & a ſa roial majeſte

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majeſte & de tiele manere de treſon la forfeiture des eſchetes appartient a noſtre Seignur le Roi ſibien des terres & tenemenz tenuz des autres come de lui meiſmes. Et oveſqe ceo il y ad autre manere de treſon ceſt aſſavoir quant un ſervant tue ſon meiſtre une femme qe tue ſon baron quaunt homme ſeculer ou de religion tue ſon Prelat a qi il doit foi & obedience & tiele manere de treſon donn forfaiture des eſchetes a cheſcun Seignur de ſon fee propre. Et pur ceo qe pluſurs autres caſes de ſemblable treſon purront eſcheer en temps a venir queux homme ne purra penſer ne declarer en preſent Aſſentu eſt qe ſi autre cas ſuppoſee treſon qe neſt eſpecifie paramount avienge de novel devant aſcunes Juſtices demoerge la Juſtices ſaunz aler au juggement de treſon tanqe par devant noſtre Seignur le Roi en ſon parlement ſoit le cas monſtree & deſclarre le que ceo doit eſtre ajugge treſon ou autre felonie. Et ſi par cas aſcun homme de ceſt roialme chivache arme deſcovert ou ſecrement od gentz armees contre aſcun autre pur lui tuer ou derober ou pur lui prendre & retenir tanqil face fyn ou raunceon pur ſa deliverance avoir neſt pas lentent du Roi & de ſon conſeil qe en tiel cas ſoit ajugge treſon einz ſoit ajugge felonie ou treſpaſs ſolonc la lei de la terre auncienement uſee & ſolonc ceo qe le cas demand. Et ſi en tieu cas ou autre ſemblable devant ces heures aſcune Juſtice eit ajugge treſon & par celle cauſe les terres & tenemenz ſoient devenuz en la main noſtre Seignur le Roi come forfaitz eient les chiefs Seignurs de fee lours eſchetes des tenemenz de eux tenuz le quel qe les tenemenz ſoient en la main noſtre Seignur le Roi ou en la main des autres par donn ou en autre manere Sauvant totefoitz a noſtre Seignur le Roi lan & le waſt & autres forfaitures des chateux qe a lui attenent en les caſes ſuiſnomes & qe briefs de Scire facias vers les terres tenantz ſoient grantez en tieu cas ſaunz autre originale & ſaunz allower la protection noſtre Seignur le Roi en la dite ſeute & qe de les terres qe ſont en la main le Roi ſoit grante brief as viſcontes des countees la ou les terres ſerront de oſtier la main le Roi ſaunz outre delaie.

‘ above rehearſed, that ought to be judged Treaſon ‘ which extends to our Lord the King, and his Royal ‘ Majeſty: And of ſuch Treaſon the Forfeiture of ‘ the Eſcheats pertaineth to our Sovereign Lord, as ‘ well of the Lands and Tenements holden of other, ‘ as of himſelf. And moreover there is another Manner of Treaſon, that is to ſay, when a Servant ſlayeth his Maſter, or a Wife her Huſband, or when a ‘ Man Secular or Religious ſlayeth his Prelate, to ‘ whom he oweth Faith and Obedience; and of ſuch ‘ Treaſon the Eſcheats ought to pertain to every ‘ Lord of his own Fee. *And becauſe that many other like Caſes of Treaſon may happen in Time to come, which a Man cannot think nor declare at this preſent Time; it is accorded, That if any other Caſe, ſuppoſed Treaſon, which is not above ſpecified, doth happen before any Juſtices, the Juſtices ſhall tarry without any going to Judgement of the Treaſon till the Cauſe be ſhewed and declared before the King and his Parliament, whether it ought to be judged Treaſon or other Felony.* And, if percaſe any Man of this ‘ Realm, ride armed covertly or ſecretly, with Men of ‘ Arms againſt any other, to ſlay him, or rob him, ‘ or take him, or retain him till he hath made Fine or ‘ Ranſom for to have his Deliverance, it is not the ‘ Mind of the King nor his Council, that in ſuch ‘ Caſe it ſhall be judged Treaſon, but ſhall be judged ‘ Felony or Treſpaſs, according to the Laws of the ‘ Land of old Time uſed, and according as the Caſe ‘ requireth. And if in ſuch Caſe, or other like, before this Time any Juſtices have judged Treaſon, ‘ and for this Cauſe the Lands and Tenements have ‘ come into the King's Hands as Forfeit, the chief ‘ Lords of the Fee ſhall have the Eſcheats of the Tenements holden of them, whether that the ſame Tenements be in the King's Hands, or in others, by ‘ Gift or in other Manner; ſaving always to our ‘ Lord the King the Year, and the Waſte, and the ‘ Forfeitures of Chattles, which pertain to him in the ‘ Caſes above named; and that the Writs of *Scire facias* be granted in ſuch Caſe againſt the Land-Tenants without other Original, and without allowing the Protection of our Lord the King, in the ‘ ſaid Suit; and that of the Lands which be in the ‘ King's Hands, Writs be granted to the Sheriff of ‘ the Counties where the Lands be, to deliver them ‘ out of the King's Hands without Delay.’

The King ſhall have the Forfeiture of all the Offenders Lands in High Treaſon. Fitz. Coron. 7, 210. Bro. Treaſon, 6, 8, 12, 15, 30. 12 Co. 16. Cro. Car. 117, 332. Petit Treaſon.

New Queſtions of Treaſons ſhall firſt be decided in Parliament.

Try. of Earl Straſt. 679.

Confirmed by 1 Ed. 6. c. 12. 1 Ma. ſſ. 1. c. 1. 13 Car. 2. ſtat. 1. c. 1. *See farther Index, tit.* Treaſon.

CAP. III.

No Indictor ſhall be put upon the Inqueſt of the Party indicted.

AUxint acorde eſt qe nul enditour ſoit mys en enqueſt ſur la deliverance del endite de treſpas ou de felonie ſil ſoit chalange par tiele cauſe par celui qeſt endite.

‘ ITEM it is accorded, That no Indictor ſhall be ‘ put in Inqueſts upon Deliverance of the Indictees ‘ of Felonies or Treſpaſs, if he be challenged for that ‘ ſame Cauſe by him which is ſo indicted.’

Bro. Chall. 42, 101, 120, 142, 166.

CAP. IV.

None ſhall be condemned upon Suggeſtion without lawful Preſentment.

ESTre ceo come contenu ſoit en la Grant Chartre des franchiſes dEngleterre qe nul ſoit pris ne empriſone ne ouſte de ſon frank tenement ne de ſes franchiſes ne de ſes franches cuſtumes ſil ne ſoit par lei de la terre Acorde eſt aſſentu & eſtabli

“ ITEM, Whereas it is contained in the Great ‘ Charter of the Franchiſes of *England*, that none ‘ ſhall be impriſoned nor put out of his Freehold, nor ‘ of his Franchiſes nor free Cuſtom, unleſs it be by ‘ the Law of the Land;” ‘ it is accorded, aſſented, and

9 H. 3. ſtat. 1. c. 29.

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'and ſtabliſhed, That from henceforth none ſhall be taken by Petition or Suggeſtion made to our Lord the King, or to his Council, unleſs it be by Indictment or Preſentment of good and lawful People of the ſame Neighbourhood where ſuch Deeds be done, in due Manner, or by Proceſs made by Writ original at the Common Law; nor that none be ouſted of his Franchiſes, nor of his Freeholds, unleſs he be duly brought into Anſwer, and forejudged of the ſame by the Courſe of the Law; and if any Thing be done againſt the ſame, it ſhall be redreſſed and holden for none.'

qe nul deſore ſoit pris par petition ou ſuggeſtion faitz a noſtre Seignur le Roi ou a ſon conſeill ſil ne ſoit par enditement ou preſentement des bones & loialx du viſnee ou tiele fait ſe face & en due manere ou proces fait ſur brief original a la commune lei ne qe nul ſoit ouſte de ſes franchiſes ne de ſon frank tenement ſil ne ſoit meſne duement en reſpons & forjugge dyceles par voie de lei & ſi rien ſoit fait al encontre ſoit redreſſe & tenue pur nul.

2 *Ed.* 3. *c.* 8.
5 Ed. 3. c. 9. *Enforced by* 28 Ed. 3. c. 3.
42 Ed. 3. c. 3.
11 *Rich.* 2. *c.* 10. *and* 16 Car. 1. c. 10. *which regulates the Privy Council and takes away the Star Chamber.*

CAP. V.

Executors of Executors ſhall have the Benefit and Charge of the firſt Teſtator.

'ITEM it is accorded and ſtabliſhed, That Executors of Executors ſhall have Actions of Debts, Accompts, and of Goods carried away of the firſt Teſtators, and Execution of Statutes Merchants and Recognizances made in Court of Record to the firſt Teſtator, in the ſame Manner as the firſt Teſtator ſhould have had if he were in Life, as well of Actions of the Time paſt, as of the Time to come, in all Caſes where Judgement is not yet given betwixt ſuch Executors *of Executors*; but that the Judgements given to the contrary to this Article in Times paſt ſhall ſtand in their Force; and that the ſame Executors of Executors ſhall anſwer to other of as much as they have recovered of the Goods of the firſt Teſtators, as the firſt Executors ſhould do if they were in full Life.'

ENſement acorde eſt & eſtabli qe executour des executours eient action des dettes accomptes & des biens emportez du primer teſtatour & execution des eſtatutz marchantz & reconiſſances faites en court de record au primer teſtatour en meiſme la manere come le primer teſtatour averoit ſil feuſt en vie auxibien dactions de temps paſſe come de temps avenir en toutz caſes ou juggementz ne ſont pas renduz unqore entre tieux executours des executours mes qe les juggementz a contraire en temps paſſe eſtoiſent en lour force & qe meiſmes les executours des executours reſpoignent as autres de tant come ils averont recoveri des biens du primer teſtatour ſicome les primers executours feroient ſils feuſſent en pleine vie.

13 Ed. 1. ſtat. 1. c. 23.
Plowd. 286.
Fitz. Covenant, 24. Fitz. Execut. 92, 103, 110, 120.
Fitz. Execut. 10, 29, 70, 95, 120.
30 *Car.* 2. *ſtat.* 1. c. 7. *makes Executors of Executors in their own Wrong anſwerable.* 4 & 5 *W.* & *M.* *c.* 24. *ſec.* 12. *makes Executors of Executors anſwerable for waſting Aſſets.* Raſt. 323.

CAP. VI.

A Purveyor ſhall not take Timber in or about any Perſon's Houſe.

9 H. 3. ſtat. 1. c. 21.
14 Ed. 3. ſtat. 1. c. 19.
Obſ. by 12 Car. 2. *c.* 24.

CAP. VII.

Keepers of a Foreſt or Chaſe ſhall gather nothing without the Owner's Good Will.

'MOreover it is accorded and ſtabliſhed, That no Foreſter, nor Keeper of Foreſt or Chaſe, nor any other Miniſter, ſhall make or gather Suſtenance, nor other Gathering of Victuals, nor other Thing, by Colour of their Office, againſt any Man's Will, within their Bailiwick nor without, but that which is due of old Right.'

EStre ceo eſt acorde & eſtabli qe nul foreſter ne gardein des foreſtes ou des chaces ne nul autre miniſtre ne face ne coille puture ne nul autre coillet des vitailles ne de nul autre choſe par colour de ſon office contre nully volunte deinz lour baillie ne dehors forſpris ce qeſt due dauncien droit.

9 *H.* 3. *ſtat.* 2. *c.* 7.

CAP. VIII.

None ſhall be bound to find Men of Arms, but by Tenure, or Grant by Parliament.

'ITEM it is accorded and aſſented, That no Man ſhall be conſtrained to find Men of Arms, Hoblers, nor Archers, other than thoſe which hold by ſuch Services, if it be not by common Aſſent and Grant made in Parliament.'

AUxint acorde eſt & aſſentu qe nul homme ſoit arte de trover gentz darmes hobellers narchers autres qe ceux qe tiegnent par tiele ſervice ſil ne ſoit de commune aſſent & grant fait en parlement.

1 Ed. 3. ſtat. 2. c. 5.
18 Ed. 3. *ſtat.* 2. c. 7. *Confirmed by* 4 H. 4. c. 13.
13 Car. 2. ſtat. 1. c. 6. *See farther Index, tit.* Militia.

CAP.

CAP. IX.

Auncel Weight shall be put out, and Weighing shall be by equal Balance.

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ENsement pur ce qe tres grant damage & desceit est fait au poeple par tant qe plusours marchantz usent dachater & poiser leines & autres marchandises par une pois qest appelle Auncell' Acorde est & establi qe celle pois apelle Auncell' entre achatour & vendour soit del tout oste & qe chescun vend & achat par balances issint qe les balances soient owels & les leines & autres marchandises owelment poisez par droit pois & qe le sak de leine ne poise qe vint & sys peres & chescun pere poise quatorze livres & qe lestatur de la balance ne encline ne alune partie ne al autre & qe le pois soit accordant al estandard del Escheker. Et si nul achatour face al encontre soit grevousement puny sibien a la seute de partie come a la seute nostre Seignur le Roi.

"ITEM, Whereas great Damage and Deceit is done to the People, for that divers Merchants use to buy and weigh Woolls and other Merchandises, by a Weight which is called *Auncel*;" 'it is accorded and established, That this Weight called *Auncel* betwixt Buyers and Sellers, shall be wholly put out; and that every Person do sell and buy by the Balance, so that the Balance be even, and the Woolls and other Merchandizes evenly weighed by right Weight, so that the Sack of Wooll weigh no more but *xxvi.* Stones, and every Stone to weigh *xiv. l.* and that the Beam of the Balance do not bow more to the one Part than to the other; and that the Weight be according to the Standard of the Exchequer. And if any Buyer do the contrary, he shall be grievously punished, as well at the Suit of the Party, as at the Suit of our Lord the King.'

34 Ed. 3. c. 5. *Measures shall be according to the King's Standard.*

27 Ed. 3. c. 10. *inflicts Penalty on him who does not weigh by equal Balance.*

Enforced and amended by 13 R. 2. *stat.* 1. c. 15. *sect.* 1.

9 H. 3. *stat.* 1. c. 15. R. 2. c. 4. 8 H. 6. c. 5. 11 H. 7. c. 4. 12 H. 7. c. 5. *and* 16 Car. 1. c. 19. 22 Car. 2. c. 8. 22 & 23 Car. 2. c. 12. 1 Ann. *stat.* 1. c. 9.

CAP. X.

Every Measure shall be according to the King's Standard; and shall be striked without Heap; saving the Rents of Lords.

AUxint come contenue soit en la Grande Chartre qe une mesure soit usee parmy tout Engleterre la quele chartre nad mie este tenu bien en ceo point avant ses heures si est accorde & assentu qe touz les mesures cest asavoir bussel dimid' bussel & peck galon potel & quart par toute Engleterre deinz franchise & dehors soient acordauntz al estandard nostre Seignur le Roi & contiegne le quartre oet bussels par lestandard & nient pluis. Et soit chescune mesure de ble rase sanz comble sauvez les rentes & fermes des Seignurs queles soient mesures par tiele mesure come eles soleient avant ces heures. Et facent les purveours le Roi madame la Roigne & touz autres lours purveances par meismes les mesures rases & en meisme la manere Et a toutes les foitz qe mestier serra Nostre Seignur le Roi assignera certeines Justices en chescune countee denqueer & doier & terminer ser les pointz suisditz & de faire sur ce due punissement solonc chescun trespas sibien a la seute de partie come a la seute le Roi. Issint totes foitz qe toutes maneres des franchises soient sauvez as Seignurs en toutz pointz saunz nul emblemissement ent faire en quecumqe manere.

"ITEM, Whereas it is contained in the Great Charter, that one Measure shall be throughout *England*, which Charter hath not been kept and holden in this Point in Times past;" 'it is accorded and assented, That all the Measures, that is to say, Bushels, Half-Bushels, Peck, Gallon, Pottle, and Quart, throughout *England*, within Franchises and without, shall be according to the King's Standard; and the Quarter shall contain Eight Bushels by the Standard, and no more. And every Measure of Corn shall be striken without Heap, saving the Rents and Ferms of Lords, which shall be measured by such Measures as they were wont in Times past. And the Purveyors of the King, of the Queen, and all other, shall make their Purveyances by the same Measure, striked in the same Manner, and at all Times that shall be needful. Our Lord the King shall assign certain Justices in every County to inquire, hear and determine upon the Points aforesaid, and upon the same to do Punishment according to the Trespass, as well at the Party's Suit, as at the King's; so always, that all Manner of Franchises be saved to the Lords in all Points, without Blemish to be made in any Manner.

9 H. 3. stat. 1. c. 25.

Justices shall inquire of and punish the Offenders.

4 Ed. 3. c. 4.

☞ *See References to foregoing Chapter.*

CAP. XI.

Aid to make the King's Son a Knight, or to marry his Daughter.

3 Ed. 1. c. 36. *Obs. by* 12 Car. 2. c. 24.

CAP. XII.

No Person shall take Profit by Exchange of Gold or Silver.

ENsement acorde est & establi qe bien lise a chescun homme de chaunger or pur argent ou pur or ou argent pur argent ou pur or issint qe nul homme tiegne commune eschaunge ne rien preigne de profit pur tiel eschaunge faire sur peine de for-

"ITEM it is accorded, That it shall be lawful for every Man to exchange Gold for Silver, or Silver for Gold, or for Gold and Silver, so that no Man hold a common Exchange, nor take no Profit for making such Exchange, upon Pain of Forfeiture of the

The Value, &c. to be declared by Proclamation. 5 & 6 E. 6. c. 19.

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'the Money so exchanged; except the King's Exchangers, which take Profit of such Exchange, according to the Ordinance afore made.'

faiture de la monoie issint chaungee forprises les chaungeours le Roi les queux preignent profit par tiele eschaunge solonc lordinance avant faite.

Enforced by 3 H. 7. c. 6. which is repealed by 37 H. 8. c. 9. *And see 23 Eliz. c. 8. which revives the foregoing Statute.*

CAP. XIII.

The Money of Gold or Silver now current shall not be impaired.

3 Inst. 17. 51 H. 3. stat. 1.

'ITEM it is accorded, That the Money of Gold and Silver which now runneth, shall not be impaired in Weight nor in Allay; but as soon as a good Way may be found, the same be put in the ancient State, as in the Sterling.'

AUxint acorde est & establi qe la monoie dor & dargent qore coert ne soit mie empire en pois nen alai mes au plus tost qe homme pusse trover bone voie qele soit mys en launcien estat come en esterling.

2 Inst. 311, 577. By 19 H. 7. c. 5. *diminished Money shall not be current.* *5 Eliz. c. 11. and 18 Eliz. c. 1. Clipping or lessening of Money made Treason.* *7 & 8 W. 3. c. 19. inflicts Penalty on Receiver of clipped Money in Payment.* *See Index, tit.* Gold and Silver, *and* Money.

CAP. XIV.

What Process shall be awarded against him that is indicted of Felony.

Fitz. Process, 192.

'ITEM it is accorded, That after any Man be indicted of Felony before the Justices in their Sessions to hear and determine, it shall be commanded to the Sheriff to attach his Body by Writ or by Precept, which is called a *Capias*. And if the Sheriff return in the same Writ or Precept, that the Body is not found, another Writ or Precept of *Capias* shall be incontinently made, returnable at three Weeks after. And in the same Writ or Precept it shall be comprised, that the Sheriff shall cause to be seised his Chattles, and safely to keep them till the Day of the Writ or Precept returned. And if the Sheriff return, that the Body is not found, and the Indictee cometh not, the Exigend shall be awarded, and the Chattles shall be forfeit, as the Law of the Crown ordaineth; but if he come and yield himself, or be taken by the Sheriff, or by other Minister, before the Return of the second *Capias*, then the Goods and Chattles shall be saved.'

ET auxint est acorde & assentu qe apres ceo qe ascun homme soit endite de felonie devant Justices en lour sessions doier & terminer soit comande ou viscont dattacher son corps par brief ou precept qest appelle Capias & le viscount retourn en le dit brief ou precept qe le corps ne soit mie trovee meintenant soit autre brief ou precept de Capias fait retournable as trois symeignes apres. Et en meisme le brief ou precept soit compris qe le viscount face seisir les chateaux & les sauvement garder tanqe a jour de brief ou precept retournable. Et si le viscount respoigne qe le corps nest pas trovee ne lendite vient point soit lexigend agarde & soient les chateaux forfaitz sicome la lei de la corone demand Mes sil veigne & se rend ou soit pris par viscount ou par autre ministre devant le retourne del secunde Capias adonqes soient les biens & les chateux sauvez.

CAP. XV.

Obs. by 12 Car. 2. c. 24.

The Penalty of a Purveyor taking more Sheep than be needful.

CAP. XVI.

The Exception of Nontenure of Parcel shall not abate the whole Writ.

36 H. 6. f. 15. Bro. Nonten. 33, 40, 50. Rast. 440.

'ITEM it is accorded, That by the Exception of Nontenure of Parcel, no Writ shall be abated, but for Quantity of the Nontenure which is alledged.'

AUxint acorde est & assentu qe par exception de nountenure de parcell null brief soit abatu forsqe pur la quantite de la nountenure qest alegge.

CAP. XVII.

Process of Exigent shall be awarded in Debt, Detinue, and Replevin.

21 H. 6. f. 42. 30 Ed. 3. f. 9. 7 Ed. 4. f. 9. Fitz. Process, 72, 115, 121, 216. Regist. 81, &c. 2 Bulstr. 63,

'ITEM it is accorded, That such Process shall be made in a Writ of Debt and Detinue of Chattles, and taking of Beasts, by Writ of *Capias*, and by Process of Exigend by the Sheriff's Return, as is used in a Writ of Accompt.'

ENsement acorde est & assentue qe autiele proces soit fait en brief de dette deteneu des chateux & en prises des avers par brief de Capias & par proces dexigend par retourn de viscount sicome est usee en brief dacompt.

1 Salk. 18. Rast. 149. 2 Leon. 85. *By 19 H. 7. c. 9. like Process is given on Case.* *4 & 5 W. 3. c. 22. Proclamation at the Time of the Exigent in criminal Cases to be delivered to the Sheriff three Months before Return.*

CAP.

CAP. XVIII.

Villenage may be pleaded, and a Villain seised, though a *Libertate probanda* be depending. *Rot. in Turr.* Lond.

O B.
26 Ed. 3. f. 73.
11 H. 4. f. 49.
Fitz. Villenage, 39, 47.
Regist. 87.
Rast. 401.

CAP. XIX.

By the King's Protection the Parties Suit shall not be hindered, but his Execution.

AUxint come nostre Seignur le Roi eit avant ces heures fait protections as diverses gentz qe lui estoisent tenuz en ascun manere des dettes qils ne serront mie empledez des dettes queles ils devient as autres tanqe ils eussent fait gre a nostre Seignur le Roi de ceo qe lui estoit due par eux par resoun de sa prerogative & issint durantes tieles protections nul homme ad este osee dempleder tieux dettours acorde est & assentue qe nient contresteant tieles protections les parties qount actions a lours dettours soient responduz en la Court le Roi par lours dettours & si juggement soit sur ceo rendu pur le pleintif ou demandant soit lexecution de cel juggement mys en suspens tanqe gre soit fait au Roi de sa dette. Et si les creansours voillent emprendre pur la dette le Roi soient ils a ceo receuz & outre eient execution devers lours dettours de dette a eux due & auxint recoverent devers eux tant come ils paieront pur eux au Roi.

"ITEM, Forasmuch as our Lord the King hath made before this Time Protections to divers People, which were bounden to him in some Manner of Debt, that they should not be impleaded of the Debts which they owed to others, till they had made Gree to our Lord the King of that which to him was due by them, by reason of his Prerogative; and so during such Protections no Man hath used, nor durst implead such Debtors;" 'it is accorded and assented, That notwithstanding such Protections, the Parties which have Actions against their Debtors, shall be answered in the King's Court by their Debtors; and if Judgement be thereupon given for the Plaintiff or Demandant, the Execution of the same Judgement shall be put in Suspence till Gree be made to the King of his Debt. And if the Creditors will undertake for the King's Debt, they shall be thereunto received, and shall have Execution against the Debtors of the Debt due and adjudged to them, and also shall recover against them as much as they shall pay to the King for them.'

Cro. Jac. 477. Hob. 115. 33 *Ed.* 1. *stat.* 1.

Co. Lit. 131. b.

The Creditors undertaking for the King's Debt.

See further Index, tit. Protection.

CAP. XX.

Plate of Gold and Silver shall be received into the King's Mint by Weight, and not by Number; and so shall the Money be returned.

ENsement acorde est & assentue qe les moneours & autres gardeins & ministres de la monoie receivent plat dor & dargent par pois & en meisme la manere deliverent les monoies quant eles serront faitz par pois & nemie par nombre saunz nully targer.

'ITEM it is accorded and assented, That the Moneyors, and other Wardens and Ministers of the Money shall receive Plate of Gold and Silver by the Weight; and in the same Manner shall deliver the Money when it shall be made by Weight, and not by Number, without any tarrying.'

CAP. XXI.

The King's Butlers shall purvey no more Wine than shall be appointed.

ESTRE ce come avant ces heures les botillers nostre Seignur le Roi & lours deputees soleient prendre & parnent de jour en autre moult plus des vyns par colour de lour office al oeps nostre Seignur le Roi qil ne bosoigneroit des queux les plus fiebles ils deliverent al oeps nostre Seignur le Roi & les meillours en grant nombre ils retiegnent devers eux a vendre & a faire ent lour profit & a la foitz ils relessent as marchantz ces qils ount pris de eux pur fines & dounes qils preignent de meismes les marchantz par extorsion en grant damage & empoverissement des ditz marchantz si est acorde & estabii qe le Seneschal del Hostiel le Roi & le Tresorer de la Garderobe mandent as touz les portz dEngleterre la ou vyns sont a prendre al oeps le Roi le certein nombre qe le botiller prendra en chescun port si qe rien soit pris outre cel nombre & qe meir & baillifs des ditz portz certifient les ditz Seneschal & Tresorer le nombre des toneux issint prises par le bo-

"ITEM, Whereas before this Time the King's Butlers and their Deputies were wont to take, and daily do take, much more Wine, by Colour of their Office, to the King's Use, than they shall need, whereof the worst they deliver to the King's Use, and the best in great Number they retain to themselves, to sell and make thereof their Profit; and sometime they release to Merchants that which they have taken of them, for Fines and Gifts, which they take of the same Merchants by Extortion, to the great Damage and Impoverishment of the said Merchants;" 'it is accorded, That the Steward of the King's House, and Treasurer of the Wardrobe, shall send to all the Ports of *England*, where Wines be to be taken to the King's Use, the certain Number which the Butler shall take in every Port, so that nothing be taken over this Number; and that the Mayor and Bailiffs of the said Ports certify the said Steward and Treasurer of the Number of all the Tuns so taken by the Butler or his Lieutenant,

Ex Rot. in Turr. Lond.

'under the Seal of the ſaid Mayor and Bailiffs, by Indentures made betwixt them and the Takers of the ſaid Wines. And in caſe that it be found, that the Butler or his Lieutenant take more, or take Reward of any, or delay any by Colour of his Office, as by Arreſt, he ſhall make Gree to the Party of the double, and ſhall be put out of his Office, and have Impriſonment, and be ranſomed at the King's Will. And the King ſhall aſſign his Juſtices when it ſhall pleaſe him, to enquire upon theſe Things: And the Butler ſhall anſwer as well for his Deputies as for himſelf, where they be not ſufficient.'

Enforced by 43 Ed. 3. c. 3. *Amended by* 6 Geo. 1. c. 12.

tiller ou ſes lieutenantz ſouz les ſeals des ditz meir & baillifs & par endenture faite entre eux & les parnours des ditz vines. Et en cas qil ſoit trove qe le botiller ou ſes lieu tenantz preignent plus ou preignent lower de nully ou delaie nully par colour de ſon office come par areſt face gre de double a la partie & ſoit ouſte de ſon office & eit la priſon & ſoient reint a la volunte le Roi & le Roi aſſignera ſes Juſtices quant lui plerra denquere ſur ceſtes choſes & reſpoigne le botiller ſibien pur ſes deputees come pur lui meiſmes la ou ils ne ſont mie ſufficeantz.

CAP. XXII.

He that purchaſeth a Proviſion in *Rome* for an Abbey, ſhall be out of the King's Protection, and any Man may do with him as with the King's Enemy.

Confirmed by 38 Ed. 3. *ſtat.* 2. c. 1. *Enforced by* 3 R. 2. c. 3. *and* 7 R. 2. c. 12. 16 R. 2. c. 5. *and* altered *by* 5 Eliz. c. 1.

AUxint pur ce qe aſcuns purchacent a la Court de Rome proviſions davoir abbeies & priories en Engleterre en deſtruction du Roialme & de ſeinte religion acorde eſt & aſſentue qe cheſcun qe purchaſe tieles proviſions dabbeie ou de priorie qe lui & ſes executours & procuratours qe ſuent & fount execution de tieles proviſions ſoient hors de la protection noſtre Seignur le Roi & qe homme puſſe faire de lui come de enemy, du Roi & du Roialme & qe celui qe face contre tiels proviſours en corps ou biens ou en autres poſſeſſions ſoit excuſe devers touz gentz & par tant ne ſoit james greve nempeſchee au ſeute de nully.

CAP. XXIII.

The Debt of a Lombard unpaid ſhall be ſatisfied by his Company.

O. B.

De proclamatione Statuti.

REX vicecomiti Kantii ſalutem. Quedam ſtatuta in parliamento noſtro apud Weſt' in feſto ſancti Hillarii proximo preterito convocato per nos prelatos duces comites barones & alios de communitate regni noſtri Anglie ad dictum parliamentum ſummonitos edita tibi mittimus ſub pede ſigilli noſtri mandantes quod ſtatuta predicta in pleno comitatu tuo legi & ea firmiter obſervari & teneri facias. T. R. apud Weſtm' vi. die Mart.

Conſimilia brevia diriguntur ſingulis vicecomitibus per Angliam ſub eadem data.
Conſimile breve diriguntur Juſtic' Hibern' mutatis mutandis ſub eadem data.
Conſimilia brevia diriguntur ſubſcriptis ſub eadem data videlicet
Willielmo de Shareſhull & ſociis ſuis juſtitiariis ad placita coram rege tenenda aſſignatis.
Johanni de Stonore & ſociis ſuis juſticiariis de communi banco.
Theſaurario & baronibus de ſcaccario.

A Statute of Proviſors of Benefices, made Anno 25 EDW. III. *Stat.* 6, *and* Anno Dom. 1350.

The King and other Lords ſhall preſent unto Benefices of their own, or their Anceſtors Foundation, and not the Biſhop of *Rome*.

3 Inſt. 127. 2 Roll. 459. Raſt. 2. Stat. Carliſle. 35 Ed. 1. c. 4. ſect. 3.

"WHEREAS late in the Parliament of good Memory of EDWARD King of *England*, Grandfather to our Lord the King that now is, the *xxxv* Year of his Reign, holden at *Carliſle*, the Petition heard, put before the ſaid Grandfather and his Council in his ſaid Parliament by the Commonalty of the ſaid Realm, containing, That whereas the holy Church of *England* was founded in the Eſtate of Prelacy, within the Realm of *England*, by the ſaid Grandfather and his Progenitors, and the Earls, Barons and other Nobles of his ſaid Realm, and their Anceſtors, to inform them and the People, of the Law of God, and to make Hoſpitalities, Alms, and other Works of Charity, in the Places where the Churches were founded, for the

Ex Rot. in Turr. Lond. *m.* 17.

COME jadis en le parlement de bone memoire Sire EDWARD Roi dEngleterre Ael noſtre Seignur le Roi qore eſt lan de ſon regne trentiſme quint a Kardoil tenuz oie la petition miſe devant le dit Ael & ſon conſeil en le dit parlement par la communalte de ſon Roialme contenant qe come ſeinte egliſe dEngleterre ſoit founde en eſtat de prelacie deins le Roialme dEngleterre par le dit Ael & ſes Progenitours & Countes Barons & Nobles de ſon Roialme & lour anceſtres pur eux & le poeple enfourmer de la lei Dieu & pur faire hoſpitalites aumoignes & autres oevres de charite es lieux ou les egliſes feurent foundes pur les almes de

Ex Rot. in Turr. Lond.

de foundours & de lour heirs & de touz Criſtiens & certeins poſſeſſions tant en feez terres & rentes come en avoweſons qe ſe extendent a grande value par les ditz foundours feurent aſſignez as Prelatz & autres gentz de ſeinte egliſe du dit Roialme pur cele charge ſuſtenir & nomement des poſſeſſions qe feurent aſſignez as Erceveſqes Eveſqes Abbes Priours Religious & autres gentz de ſeinte egliſe par les Rois du dit Roialme Countes Barons & autres Nobles de ſon Roialme meiſmes les Rois Countes Barons & Nobles come Seignurs & avowes euſſent & aver deuſſent la garde de tieles voidances & les preſentementz & collations des benefices eſteantz des tieles prelacies.

Et les ditz rois en temps paſſe ſoloient aver la greindre partie de lour conſeils pur la ſalvation du roialme quant ils en eurent meſter de tiels prelatz & clercs iſſint avances Le Pape de Rome acrochant a lui la Seignurie de tieles poſſeſſions & benefices meiſmes les benefices dona & graunta as aliens qi unqes ne demurerent el roialme dEngleterre & as Cardinalx qe y demurér ne purroient & as autres tant aliens come denzeins autreſi come il euſt eſte patron en avowe des dites dignites & benefices come il ne feuſt de droit ſelonc la lei dEngleterre par les queux ſils feuſſent ſoeffertz a peine demurroit aſcun benefice en poi de temps el dit roialme qil ne ſerroit es meins daliens & denzeins par vertue de tieles proviſions contre la bone volunte & diſpoſition des foundours de meiſmes les benefices & iſſint les elections des Erceveſqes Eveſches & autres religious faudroient & les almoignes hoſpitalites & autres oevres de charite qe ſerroient faitz as ditz lieux ſerroient ſuſtretes le dit Ael & autres lais patrons en temps de tieles voidances perderoient lour preſentementz le dit conſeil periroit & biens ſanz nombre ſerroient emportes hors du riaulme en adnullation del eſtat de ſeinte egliſe dEngleterre & deſheriteſon du dit Ael & des Countes Barons & nobles & en offens & deſtruction des lois & droitures de ſon roialme & grant damage de ſon poeple & ſubverſion del eſtat de tut ſon roialme ſuſdit & contre la bone diſpoſition & volunte des primers foundours del aſſent des Countees Barons nobles & tute la dite communalte a lour inſtante requeſte conſideres les damages & grevances ſuſdites en le dit plener parlement feuſt purveu ordine & eſtabli qe les dites grevances oppreſſions & damages en meiſme le roialme des adonqes mes ne ſerroient ſoeffertz en aſcun manere. Et ja monſtre ſoit a noſtre Seignur le Roi en ceſt parlement tenuz a Weſtm' a les octaves de la Purification de noſtre Dame lan de ſon regne dEngleterre vintiſme quint & de France duſziſme par le greveuſe pleinte de toute la communalte de ſon roialme qe les grevances & meſchiefs ſuſditz ſabondent de temps en temps a plus grant damage & deſtruction de tut le roialme plus qe unqes ne firent ceſt aſſaver qore de novel noſtre ſeint Piere le Pape par procurement des clercs & autrement ad reſervee & reſerve de iour en autre a ſa collation generalment & eſpecial-

" Souls of the Founders, their Heirs, and all Chriſtians; and certain Poſſeſſions, as well in Fees, Lands, Rents, as in Advowſons, which do extend to a great Value, were aſſigned by the ſaid Founders to the Prelates and other People of the holy Church of the ſaid Realm, to ſuſtain the ſame Charge, and eſpecially of the Poſſeſſions which were aſſigned to Archbiſhops, Biſhops, Abbots, Priors, Religious, and all other People of holy Church, by the Kings of the ſaid Realm, Earls, Barons, and other great Men of his Realm; the ſame Kings, Earls, Barons and other Nobles, as Lords and Advowees, have had and ought to have the Cuſtody of ſuch Voidances, and the Preſentments and the Collations of the Benefices being of ſuch Prelacies.

" II. And the ſaid Kings in Times paſt were wont to have the greateſt Part of their Council, for the Safeguard of the Realm when they had Need, of ſuch Prelates and Clerks ſo advanced; the Biſhop of Rome, accroching to him the Seigniories of ſuch Poſſeſſions and Benefices, doth give and grant the ſame Benefices to Aliens, which did never dwell in *England*, and to Cardinals, which might not dwell here, and to other as well Aliens as Denizens, as if he had been Patron or Advowee of the ſaid Dignities and Benefices, as he was not of Right by the Law of *England*; whereby if they ſhould be ſuffered, there ſhould ſcarcely be any Benefice within a ſhort Time in the ſaid Realm, but that it ſhould be in the Hands of Aliens and Denizens by virtue of ſuch Proviſions, againſt the good Will and Diſpoſition of the Founders of the ſame Benefices; and ſo the Elections of Archbiſhops, Biſhops, and other Religious ſhould fail, and the Alms, Hoſpitalities, and other Works of Charity, which ſhould be done in the ſaid Places, ſhould be withdrawn, the ſaid Grandfather, and other Lay-Patrons, in the Time of ſuch Voidances, ſhould loſe their Preſentments, the ſaid Council ſhould periſh, and Goods without Number, ſhould be carried out of the Realm, in Adnullation of the Eſtate of the holy Church of *England*, and Diſheriſon of the ſaid Grandfather, and the Earls, Barons, and other Nobles of the ſaid Realm, and in Offence and Deſtruction of the Laws and Rights of his Realm, and to the great Damage of his People, and in Subverſion of all the Eſtate of his ſaid Realm, and againſt the good Diſpoſition and Will of the firſt Founders: By the Aſſent of the Earls, Barons, and other Nobles, and of all the ſaid Commonalty, at their Inſtances and Requeſts, the Damage and Grievances afore conſidered, in the ſaid full Parliament it was ordained, provided, eſtabliſhed, agreed, adjudged, and conſidered, That the ſaid Oppreſſions, Grievances, and Damages in the ſame Realm from henceforth ſhould not be ſuffered in any Manner. And now it is ſhewed to our Lord the King in this preſent Parliament holden at *Weſtminſter*, at the *Utas* of the Purification of our Lady, the Five and twentieth Year of his Reign of *England*, and of *France* the Twelfth, by the grievous Complaints of all the Commons of his Realm, that the Grievances and Miſchiefs aforeſaid do daily abound, to the greater Damage and Deſtruction of all his Realm of *England*, more than ever were before, *viz.* that now or late the Biſhop of *Rome*, by Procurement of Clerks and otherwiſe, hath reſerved, and doth daily reſerve to his Collation, generally and " eſpecially,

The Pope beſtowed ſpiritual Livings upon Aliens not dwelling in England.

The Inconveniencies enſuing thereon.

The Pope giveth the Benefices of the Church, and reſerveth the firſt Fruits to himſelf.

Ex Rot. in Turr. Lond.

" eſpecially, as well Archbiſhopricks, Biſhopricks, Abbeys, and Priories, as all other Dignities and other Benefices of *England*, which be of the Advowry of People of holy Church, and give the ſame as well to Aliens as to Denizens, and taketh of all ſuch Benefices the firſt Fruits, and many other Profits, and a great Part of the Treaſure of the ſaid Realm is carried away and diſpended out of the Realm, by the Purchaſers of ſuch Benefices and Graces aforeſaid; and alſo by ſuch privy Reſervations many Clerks advanced in this Realm by their true Patrons, which have peaceably holden their Advancements by long Time, be ſuddenly put out: Whereupon the ſaid Commons have prayed our ſaid Lord the King, that ſith the Right of the Crown of *England*, and the Law of the ſaid Realm is ſuch, that upon the Miſchiefs and Damages which happen to his Realm, he ought, and is bound by his Oath, with the Accord of his People in his Parliament, thereof to make Remedy and Law, and in removing the Miſchiefs and Damages which thereof enſue, that it may pleaſe him thereupon to ordain Remedy.

ment ſibien Erceveſchees Eveſchees Abbeies & Priories come totes dignetes & autres benefices dEngleterre qeſont del avowerie de gentz de ſeinte egliſe & les doune auxibien as aliens come as denzeins & prent de touz tiels benefices les primeres fruitz & autres profitz pluſours & grande partie du treſor del roialme ſi eſt emporte & deſpendu hors du roialme par les purchaceours de tieles graces & auxint par tieles reſervations prives pluſours clercs avances en ceſte roialme par lour verroies patrons qe ont tenuz lour avancementz par long temps peſiblement ſont ſodeinement oſtes ſur quoi la dite communaltee ad prie a noſtre Seignur le Roi qe deſicome le droit de la Corone dEngleterre & la loi du dite roialme ſont tieles qe ſur meſchiefs & damages qe ſi aviegnont a ſon roialme il doit & eſt tenuz par ſon ſerement del acord de ſon poeple en ſon parlement faire ent remede & lei en oſtant les meſchiefs & damages qenſi aviegnont qe lui pleiſe de ce ordiner remede.

The Cauſes and Reaſons of making this Statute.

" III. Our Lord the King, ſeeing the Miſchiefs and Damage before mentioned, and having Regard to the ſaid Statute made in the Time of his ſaid Grandfather, and to the Cauſes contained in the ſame; which Statute holdeth always his Force, and was never defeated, nor adnulled in any Point, and by ſo much as he is bounden by his Oath to cauſe the ſame to be kept as the Law of his Realm, though that by Sufferance and Negligence it hath been ſithence attempted to the contrary; alſo having Regard to the grievous Complaints made to him by his People in divers his Parliaments holden heretofore, willing to ordain Remedy for the great Damages and Miſchiefs which have happened, and daily do happen to the Church of *England* by the ſaid Cauſe;" ' by the Aſſent of all the Great Men ' and the Commonalty of the ſaid Realm, to the Honour of God, and Profit of the ſaid Church of ' *England*, and of all his Realm, hath ordered and ' ſtabliſhed, That the free Elections of Archbiſhops, ' Biſhops, and all other Dignities and Benefices elective in *England*, ſhall hold from henceforth in the ' Manner as they were granted by the King's Progenitors, and the Anceſtors of other Lords, Founders of ' the ſaid Dignities and other Benefices. And that ' all Prelates and other People of holy Church, which ' have Advowſons of any Benefices of the King's ' Gift, or of any of his Progenitors, or of other Lords ' and Donors, to do Divine Services, and other Charges thereof ordained, ſhall have their Collations and ' Preſentments freely to the ſame, in the Manner as ' they were enfeoffed by their Donors. And in caſe ' that Reſervation, Collation, or Proviſion be made ' by the Court of *Rome*, of any Archbiſhoprick, Biſhoprick, Dignity, or other Benefice, in Diſturbance ' of the free Elections, Collations, or Preſentations ' aforenamed, that at the ſame Time of the Voidance, that ſuch Reſervations, Collations, and Proviſions ought to take Effect, our Lord the King and ' his Heirs ſhall have and enjoy for the ſame Time the ' Collations to the Archbiſhopricks and other Dignities elective, which be of his Advowry, ſuch as ' his Progenitors had before that free Election was ' granted, ſince that the Election was firſt granted by ' the King's Progenitors upon a certain Form and ' Condition, as to demand Licence of the King to

Elections of the Dignities of the Church ſhall be free, as they were founded.

Patrons and Founders of the Dignities of the Church, and their Heirs, ſhall have the Collation or Preſentation to them being void.
9 H. 3. ſtat. 1. c. 33.
11 H. 4. f. 37, 59, 76.

Where the Pope maketh Proviſion to a Dignity of the Church, the King ſhall preſent.

Noſtre Seignur le Roi veiant les meſchiefs & damages ſuſnomes & eant regard al dit eſtatut fait en temps ſon dit Ael & a les cauſes contenues en ycele le quel eſtatut tient touz jours ſa force & ne feuſt unqes defait ne anulli en nul point & pur tant eſt il tenuz par ſon ſerement del faire garder come la loi de ſon roialme coment qe par ſoeffrance & negligence ad eſte puis attempte a contraire & auxint eant regard a les grevouſes pleintes a lui faites par ſon poeple en ſes divers parlementz cea enarere tenuz voillantz les treſgrantz damages & meſchiefs qe ſont avenuz & viegnont de jour en autre a la Egliſe dEngleterre par la dite cauſe remede ent ordiner par aſſent de touz les grantz & la communalte de ſon dit roialme Al honur de Dieu & profit de la dite egliſe dEngleterre & de tut ſon roialme ad ordine & eſtabli qe les franches elections des Erceveſchees Eveſchees & tutes autres dignites & benefices electifs en Engleterre ſe tiegnent deſore en manere come eles feurent grantes par les progenitours noſtre dit Seignur le Roi & par les aunceſtres dautres Seignurs foundes. Et qe touz prelatz & autres gentz de ſeinte egliſe qi ont avoweſons de queconqes benefices des douns noſtre Seignur le Roi & de ſes progenitours où dautres Seignurs & donours pur faire divines ſervices & autres charges ent ordines eient lour collations & preſentementz franchement en manere come ils eſtoient feffes par lour donours. Et en cas qe daſcune Erceveſchee Eveſchee dignite ou autre quecunqe benefice ſoit reſervation collation ou proviſion faite par la court de Rome en deſtourbance des elections collations ou preſentations ſuſnomes qe a meiſme les temps des voidances qe tieles reſervations collations & proviſions deuſent prendre effeit qe a meiſme la voidance noſtre Seignur le Roi & ſes heirs eient & enjoicent pur cele foitz les collations as Erceveſchees Eveſchees & autres dignites electives qe ſont de ſavowerie autieles come ſes progenitours avoient avant qe franche election feuſt graunte deſicome les elections feurent primes grantez par les progenitours le Roi ſur certeines forme & condition come a demander

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der du Roi conge de eſlir & puis apres la election daver ſon aſſent roial & nemye en autre manere les queles conditions nyent gardez la choſe doit par reſon reſortir a ſa primere nature.

Et qe ſi daſcune meſon de religion del avowerie le Roi ſoit tiele reſervation collation ou proviſion faite en deſtourbance de franche election eit noſtre Seignur le Roi & ſes heirs a cele foitz la collation a doner cele dignite a perſone covenable. Et en cas qe reſervation collation ou proviſion ſoit faite a la court de Rome de nule egliſe provende ou autre benefice qe ſont del avowerie des genz de ſeinte egliſe dont le Roi eſt avowe paramount immediat qe a meſme le temps de voidance a quel temps la reſervation collation ou proviſion deuſent prendre effeit come deſus eſt dit qe le Roi & ſes heirs de ce eient le preſentement ou collation a cele foitz. Et iſſint de temps en temps a totes les foitz qe tieles gentz de ſeinte egliſe ſerront deſtourbez de lour preſentementz ou collations par tieles reſervations collations ou proviſions come deſus eſt dit Sauvee a eux le droit de lour avoweſons & preſentementz qant nul collation ou proviſion de la court de Rome ent ne ſoit faite ou qe les dites gentz de ſeinte egliſe oſent & vuillent a meiſmes les benefices preſenter ou collation faire & lour preſentees puiſſent leffeit de lour collations & preſentementz enjoier. Et en meiſme la manere eit cheſcun autre Seignur de quel condition qil ſoit les preſentementz ou collations a les meſons de religion qe ſont de ſavowrie & as benefices de ſeinte egliſe qe ſont apurtenantz a meiſmes les meſons. Et ſi tiels avowes ne preſentent point a tieles benefices deinz le demy en apres tieles voidances ne leveſqe de lieu ne la doune par laps de temps deinz un mois apres le demy an qe adonqes le Roi eit ent les preſentementz & collations come il ad dautres de ſavowerie demeiſne. Et en cas qe les preſentees le Roi ou les preſentes dautres patrons de ſeinte egliſe ou de lour avowes ou ceux as quex le Roi ou tielx patrons ou avowes ſuſditz averont done benefices apurtenantz a lour preſentementz ou collations ſoient deſtourbez par tiels proviſours iſſint qils ne puiſſent avoir poſſeſſion de tieles benefices par vertue des preſentementz & collations iſſint a eux faitz ou qe ceux qe ſont en poſſeſſion des tiels benefices ſoient empeſches ſur lour dites poſſeſſions par tielx proviſours adonqes ſoient les ditz proviſours & lour procuratours executours & notaires attaches par lour corps & menes en reſponſe & ſils ſoient convictz demoergent en priſone ſanz eſtre leſſe a meinpriſe en baille ou autrement delivres tanqils averont fait fin & redemption au Roi a ſa volente & gree a la partie qe ſe ſentera greve. Et nient meins avant qils ſoient delivrers facent pleine renunciation & troevent ſufficeante ſeurete qils nattempteront tiele choſe en temps avenir ne nul proces ſueront par eux ne par autre devers nuly en la dite court de Rome ne nule part aillours pur nules tieles empriſonementz ou renunciations ne nule autre choſe dependant de eux.

Et en cas qe tielx proviſours procuratours executours & notaires ne ſoient trovez qe lexigende cour-

'chuſe, and after the Election to have his Royal Aſſent, and not in other Manner; which Conditions not kept, the Thing ought by Reaſon to reſort to his firſt Nature.

'IV. And if any ſuch Reſervation, Proviſion, or Collation be made of any Houſe of Religion of the King's Advowry, in Diſturbance of free Election, our Sovereign Lord the King, and his Heirs, ſhall have for that Time the Collation to give this Dignity to a convenient Perſon. And in caſe that Collation, Reſervation, or Proviſion be made by the Court of *Rome*, of any Church, Prebend, or other Benefices, which be of the Advowry of People of holy Church, whereof the King is Advowee Paramount immediate, that at the ſame Time of the Voidance, at which Time the Collation, Reſervation, or Proviſion ought to take Effect as afore is ſaid, the King and his Heirs thereof ſhall have the Preſentment or Collation for that Time. And ſo from time to time, whenſoever ſuch People of holy Church ſhall be diſturbed of their Preſentments or Collations, by ſuch Reſervations, Collations, or Proviſions, as afore is ſaid; ſaving to them the Right of their Advowſons and their Preſentments, when no Collation or Proviſion of the Court of *Rome* is thereof made, where that the ſaid People of holy Church ſhall or will to the ſame Benefices preſent or make Collation; and that their Preſentees may enjoy the Effect of their Collations or Preſentments. And in the ſame Manner every other Lord, of what Condition that he be, ſhall have the Collations or Preſentments to the Houſes of Religion which be of his Advowry, and other Benefices of holy Church which be pertaining to the ſame Houſes. And if ſuch Advowees do not preſent to ſuch Benefices within the half Year after ſuch Voidances, nor the Biſhop of the Place do not give the ſame by Lapſe of Time within a Month after half a Year, that then the King ſhall have thereof the Preſentments and Collations, as he hath of other of his own Advowry. And in caſe that the Preſentees of the King, or the Preſentees of other Patrons of holy Church, or of their Advowees, or they to whom the King, or ſuch Patrons or Advowees aforeſaid, have given Benefices pertaining to their Preſentments or Collations, be diſturbed by ſuch Proviſors, ſo that they may not have Poſſeſſion of ſuch Benefices by virtue of the Preſentments or Collations to them made, or that they which be in Poſſeſſion of ſuch Benefices, be impeached upon their ſaid Poſſeſſions by ſuch Proviſors; then the ſaid Proviſors, their Procurators, Executors, and Notaries, ſhall be attached by their Body, and brought in to anſwer; and if they be convict, they ſhall abide in Priſon without being let to Mainpriſe or Bail, or otherwiſe delivered, till that they have made Fine and Ranſom to the King at his Will, and Gree to the Party that ſhall feel himſelf grieved. And nevertheleſs before that they be delivered, they ſhall make full Renunciation, and find ſufficient Surety that they ſhall not attempt ſuch Things in Time to come, nor ſue any Proceſs by them, nor by other, againſt any Man in the Court of *Rome*, nor in any Part elſewhere, for any ſuch Impriſonments or Renunciations, nor any other Thing depending of them.

44 Ed. 3. f. 36.

The Penalties of thoſe which by Proviſions from Rome do diſturb ſuch Preſentments or Elections as others ought to make. *See* 26 H. 8. c. 15.

'V. And in caſe that ſuch Proviſors, Procurators, Executors, or Notaries be not found, that the Exi-

Ritz. Præmunire, 9, 12.

'gent

Ex Rot. in Turr. Lond.

'gent ſhall run againſt them by due Proceſs, and that 'Writs ſhall go forth to take their Bodies in what 'Parts they be found, as well at the King's Suit, as at 'the Suit of the Party, and that in the mean Time 'the King ſhall have the Profits of ſuch Benefices ſo 'occupied by ſuch Proviſors, except Abbeys, Prio-'ries, and other Houſes, which have Colleges or Co-'vents, and in ſuch Houſes the Colleges and Co-'vents ſhall have the Profits; ſaving always to our 'Lord the King, and to all other Lords, their old 'Right. And this Statute ſhall have Place as well 'of Reſervations, Collations, and Proviſions made 'and granted in Times paſt againſt all them which 'have not yet obtained corporal Poſſeſſion of the Be-'nefices granted to them by the ſame Reſervations, 'Collations, and Proviſions, as againſt all other in 'Time to come. And this Statute oweth to hold 'Place and to begin at the ſaid *Utas.*'

ge devers eux par due proces & qe briefs iſſent de prendre lour corps quel part qils ſoient trovez auxibien a la ſuite le Roi come de partie & qen le meſne temps le Roi eit les profitz de tielx benefices iſſint ocupez par tielx proviſours forſpris Abbeies Priories & autres meſons qont college ou covent & en tieles meſons eient les covent & colleges les profitz ſauvant totefoitz a noſtre Seignur le Roi & as autres Seignurs lour aunciene droit. Et eit ceſt eſtatut lieu auxibien de reſervations collations & proviſions faites & grantes en temps paſſe devers touz ceux qe ne ſont unqore adept corporele poſſeſſion des benefices a eux grauntes par meiſmes les reſervations collations & proviſions come devers touz autres en temps avenir. Et doit ceſt eſtatut tenir lieu commenceant a les octaves ſuſditz.

Raſt. 465. 13 R. 2. ſtat. 1. c. 1. *Confirmed by* 13 R. 2. ſtat. 2. c. 2 & 3. *the Authority of*

By 16 R. 2. c. 5. *purchaſing Bulls or other Inſtruments from Rome incurs* Præmunire. *And ſee* 5 El. c. 1. *and* 13 El. c. 2. *againſt maintaining the See of Rome, or bringing Bulls, &c. from thence.*

Statutum apud Weſtm' editum eodem Anno 25 EDW. III. Stat. 7. Anno Dom. 1350.

The King granteth to the Commons in Aid of a Diſme and Fifteen by them before granted to him, all the Iſſues, Fines, Forfeitures, and Amerciaments, levied of Labourers, Artificers, Regrators, Victuallers, and Servants. *See Appendix.*

A Statute of Proviſors, made Anno 27 EDW. III. *Stat.* 1. *and* Anno Dom. 1353.

Ex Rot. in Turr. Lond. *m.* 15.

"OUR Lord the King, by the Aſſent and Prayer "of the Great Men, and the Commons of his "Realm of *England*, at his great Council holden "at *Weſtminſter*, the *Monday* next after the Feaſt of "St. *Matthew* the Apoſtle, the Twenty-ſeventh Year "of his Reign of *England*, and of *France* the Four-"teenth, in Amendment of his ſaid Realm, and Main-"tenance of the Laws and Uſages, hath ordained and "ſtabliſhed theſe Things under-written."

NOSTRE Seignur le Roi de laſſent & a la priere des Grauntz & de la communalte de ſon Roialme dEngleterre a ſon grant conſeil tenuz a Weſtmonſter le Lundy proſchein apres la feſte de Seint Matheu Lapoſtle lan de ſon regne ceſt aſſavoir dEngleterre vintſeptiſme & de France quatorziſme en amendement de ſon dit Roialme & pur les leis & uſages ne ſon dit Roialme meintenir ſi ad ordene & eſtabli les choſes ſouzeſcriptes.

CAP. I.

Præmunire for ſuing in a Foreign Realm, or Impeaching of Judgement given.

4 Inſt. 86. 3 Inſt. 120, 125. 11 Co. 63. 12 Co. 37. 2 Roll. 317.

"FIRST, Becauſe it is ſhewed to our Lord the "King, by the grievous and clamorous Com-"plaints of the Great Men and Commons, aforeſaid, "how that divers of the People be, and have been "drawn out of the Realm to anſwer of Things, where-"of the Cogniſance pertaineth to the King's Court; "and alſo that the Judgments given in the ſame "Court be impeached in another Court, in Prejudice "and Diſheriſon of our Lord the King, and of his "Crown, and of all the People of his ſaid Realm, "and to the undoing and Deſtruction of the Com-

14 H. 4. f. 14. 2 R. 3. f. 17. 5 Ed. 4. f. 6. 9 Ed. 4. f. 3. Fitz. Præmun. 3, 6, 10.

PRimerement pur ce qe monſtree eſt a noſtre dit Seignur le Roi par grevous & clamous pleintes des Grantz & communes avantditz coment pluſours gentz ſont & ount eſte traites hors du Roialme a reſpondre des choſes dount la coniſſance appartient a la Court noſtre Seignur le Roi & auſſint qe les juggementz renduz en meiſme la court ſont empeſchez en autri court en prejudice & deſheritſon noſtre Seignur le Roi & de ſa corone & de tout le poeple de ſon dit Roialme & en defeſance & anientiſſement de la commune lei de meiſme le Roialme

uſee

Ex Rot. in Turr. Lond.

uſee de tout temps. Sur quoi eue bone deliberation od les grantz & autres du dit conſeil aſſentu eſt & acorde par noſtre dit Seignur le Roi & les grantz & communes ſuſditz qe totes gentz de la ligeance le Roi de quele condition qils ſoient qi trehent nulli hors du Roialme en plee dount la coniſſance appartient a la Court le Roi ou des choſes dount juggementz ſont renduz en la Court le Roi ou qi ſuent en autri court a deffaire ou empeſcher les juggementz renduz en la Court le Roi eient jour contenant leſpace dedeux mois par garniſſement afaire a eux en le lieu ou les poſſeſſions ſont qi ſont en debat ou aillours ou ils averont terres ou autres poſſeſſions par le viſcont ou autre miniſtre du Roi deſtre devant le Roi & ſon conſeil ou en ſa Chancellerie ou devant les Juſtices le Roi en ſes places del un Baunk ou del autre ou devant autres Juſtices le Roi qi ſerront a ce deputez a reſpondre en lour propre perſones au Roi du contempt fait en celle partie. Et ſils ne viegnent mie au dit jour en propre perſone de eſteer a la lei ſoient ils lour procuratours attournez executours notairs & meintenours de cel jour enavant mis hors ne la protection le Roi & lour terres biens & chateux forfaitz au Roi & ſoient lour corps ou qils ſoient trovez pris & empriſonez & reintz a la volunte le Roi & ſur ce ſoit brief fait de les prendre par lour corps & de ſeiſir lour terres biens & poſſeſſions en la main le Roi & ſi retourne ſoit qils ne ſont mie trovez ſoient mis en exigend & utlaghez.

Purveu totes foitz qe a quele heure qils viegnent devant qils ſoient utlaghez & ſe veullent rendre a la priſone le Roi deſtre juſticez par la lei & receivre ce qe la Court le Roi agardera en celle partie qils ſoient a ce receuz la forfaiture des terres biens & chateux demorante en ſa force ſils ne ſe rendent deinz les ditz deux mois come devant eſt dit.

" mon Law of the ſame Realm at all Times uſed."
'Whereupon, good Deliberation had with the Great Men and other of his ſaid Council, it is aſſented and accorded by our Lord the King, and the Great Men and Commons aforeſaid, That all the People of the King's Ligeance, of what Condition that they be, which ſhall draw any out of the Realm in Plea, whereof the Cogniſance pertaineth to the King's Court, or of Things whereof Judgements be given in the King's Court, or which do ſue in any other Court, to defeat or impeach the Judgements given in the King's Court, ſhall have a Day, containing the Space of two Months, by Warning to be made to them in the Place where the Poſſeſſions be, which be in Debate, or otherwiſe where they have Lands or other Poſſeſſions, by the Sheriffs or other the King's Miniſters, to appear before the King and his Council, or in his Chancery, or before the King's Juſtices in his Places of the one Bench or the other, or before other the King's Juſtices which to the ſame ſhall be deputed, to anſwer in their proper Perſons to the King, of the Contempt done in this Behalf. And if they come not at the ſaid Day in their proper Perſons to be at the Law, they, their Procurators, Attornies, Executors, Notaries, and Maintainors, ſhall from that Day forth be put out of the King's Protection, and their Lands, Goods, and Chattles forfeit to the King, and their Bodies, whereſoever they may be found, ſhall be taken and impriſoned, and ranſomed at the King's Will: And upon the ſame a Writ ſhall be made to take them by their Bodies, and to ſeiſe their Lands, Goods, and Poſſeſſions, into the King's Hands; and if it be returned, that they be not found, they ſhall be put in Exigent, and outlawed.'

39 Ed. 3. f. 7. 43 Ed. 3. f. 6. Bro. Atturney, 48, 53, 104. 11 Co. 34. 44 Ed. 3. f. 7, 36. 1 Lev. 241, 242. *Enforced by* 38 Ed. 3. ſtat. 2. c. 2, 3, & 4.

'II. Provided always, That at what Time they come before they be outlawed, and will yield them to the King's Priſon to be juſtified by the Law, and to receive that which the Court ſhall award in this Behalf, that they ſhall be thereto received; the Forfeiture of the Lands, Goods, and Chattles abiding in their Force, if they do not yield them within the ſaid two Months, as afore is ſaid.'

Appearance of the Offender after two Months will ſave his Outlawry, but not his Lands or Goods. Reg. 182. Raſt. 24, 465. *See* 16 R. 2. c. 5.

which makes it Præmunire to purchaſe Bulls or other Inſtruments from Rome; and farther, 5 *El. c.* 1. *and* 13 *El. c.* 2. *againſt maintaining the See of Rome, or bringing Bulls from Rome.*

CAP. II

In a Pardon of Felony the Suggeſtions and Suggeſtor's Name ſhall be compriſed.

AUſſint pur ce qe noſtre Seignur le Roi ad ſovent grantee chartres de pardon de felonies par feintes & nient veritables ſuggeſtions de pluſeurs gentz dount pluſeurs malx ſont avenuz cea en arere & pur tieux malx eſchuir ſi eſt acorde & aſſentu par noſtre dit Seignur le Roi & tout le dit conſeil qe deſore en cheſcun chartre de pardon de felonie qe ſerra grante a ſuggeſtion de nully ſoit la dite ſuggeſtion & le noun de celui qi fiſt la ſuggeſtion compris en meiſme la chartre & ſi apres ſoit trove la ſuggeſtion nient veritable ſoit la chartre diſalowe & tenue pur nulle & enquergent les Juſtices devant queux tieux chartres ſont alleggez de meiſme la ſuggeſtion & ce auſſibien des chartres avant ces heures grantez come des chartres qe ſer-

" ITEM, Becauſe our Lord the King hath often " granted Charters of Pardon of Felonies upon " feigned and untrue Suggeſtions of divers People, " whereof much Evil hath chanced in Times paſt;" and for to eſchue ſuch Evil, it is accorded and aſſented by our ſaid Lord the King, and all the ſaid Council, That from henceforth in every Charter of Pardon of Felony, which ſhall be granted at any Man's Suggeſtion, the ſaid Suggeſtion, and the Name of him that maketh the Suggeſtion, ſhall be compriſed in the ſame Charter; and if after the ſame Suggeſtion be found untrue, the Charter ſhall be diſallowed and holden for none: And the Juſtices before whom ſuch Charters ſhall be alledged, ſhall enquire of the ſame Suggeſtion, and that as well of Charters granted before this Time, as of Charters

A Pardon granted upon a falſe Suggeſtion ſhall be diſallowed. Raſt. 455.

Ex Rot. in Turr. Lond.

‘ which ſhall be granted in Time to come; and if ‘ they find them untrue, then they ſhall diſallow the ‘ Charters ſo alledged, and ſhall moreover do as the ‘ Law demandeth.’

ront grantez en temps avenir & ſils la troeſſent nient varraie adonqes deſalowent la chartre iſſint aleggee & ent facent outre ce qe la lei demand.

CAP. III.

CAP. Commiſſions ſhall be granted to enquire of Offenders contrary to the Statute of 23 EDWARD 3. *cap.* 6.

CAP. IV.

The Aulnegers Fees for every Cloth ſold. Cloths ſhall be ſealed before they be put to Sale. A Subſidy granted to the King of every Cloth ſold.

“ ITEM, Whereas the Great Men and Commons “ have ſhewed to our Lord the King, how divers “ Merchants, as well Foreigners as Denizens, have “ withdrawn them, and yet do withdraw them, to “ come with Cloths into *England*, to the great Da- “ mage of the King and of all his People, becauſe “ that the King’s Aulneger ſurmiſeth to Merchant “ Strangers, that their Cloths be not of Aſſiſe, that is “ to ſay, The coloured Cloth of the Length of ſix and “ twenty Yards meaſured by the Creſt, and of the “ Breadth of ſix Quarters and an half; and the Cloth “ of Ray, of the Length of Eight and twenty Yards “ meaſured by the Liſt, and of the Breadth of Six “ Quarters; and whereas the ſame have been arreſted “ as forfeit to our Lord the King, they have prayed “ our ſaid Lord the King, that it may pleaſe him to “ releaſe and put out ſuch Forfeitures in Eaſe of his “ People, for a convenient Recompence to be made “ to him of the other Party;” ‘ Our Lord the King, ‘ upon ſuch Condition hearing their Supplication, ‘ hath releaſed and excluded him of all the ſaid For- ‘ feitures, and he willeth and granteth for him and for ‘ his Heirs, that there ſhall be no Cloths forfeit al- ‘ though they be not of the ſame Aſſiſe, but the King’s ‘ Aulneger ſhall meaſure the Cloth, and mark the ‘ ſame, by which Mark a Man may know how much ‘ the Cloth containeth: And of as much as the Cloth, ‘ which is bought for Cloth of Aſſiſe, ſhall be found ‘ leſs than the Aſſiſe, Allowance or Abatement ſhall ‘ be made to the Buyer in the Payment which he ‘ ſhall make for the ſame Cloth, after the Quantity ‘ of the Price for which the Cloth was bought: And ‘ the Aulneger ſhall take for every Cloth ſo meaſured, ‘ which is of Aſſiſe, that is to ſay, of the Seller an ‘ Halfpenny, and of half a Cloth a Farthing for his ‘ Office, and no more; nor they ſhall take nothing ‘ of the Cloths which be leſs than of the half Cloth; ‘ and that he nothing meddle of the Aulnage of any ‘ Cloth, but only of Cloths which are to be ſold. ‘ And for ſo much the ſaid Lords and Commons have ‘ granted to the King a Subſidy of every Cloth which ‘ is to be ſold, to take of the Seller over the Cuſtoms ‘ thereof due, that is to ſay, Of every Cloth of the ‘ ſaid Aſſiſe, wherein there is no Grain, *iv d.* and of ‘ every half ſuch Cloth, *ii d.* and of every Cloth of ‘ Aſſiſe of Scarlet, *vi d.* and of every half ſuch Cloth, ‘ *iii d.* and of every Cloth half Grain of Aſſiſe, *v d.* ‘ and of every half ſuch Cloth, *ii d. ob.* And that ‘ every Cloth paſſing the half Cloth of Aſſiſe, by three ‘ Yards and more, which is no Cloth whole of As- ‘ ſiſe, and alſo of every Cloth paſſing the whole Cloth ‘ by three Yards and more, ſhall be taken after the ‘ Rate or Subſidy which is to be paid for the whole

The Length and Breadth of coloured Cloth, and Cloth of Ray.

The King’s Releaſe of the Forfeiture of Cloths.

The Aulneger’s Fee for every Cloth and half Cloth ſold. Hardreſs 206.

A Subſidy granted to the King of every Cloth.

AUſſint pur ce qe les Grantz & Communes ount monſtree a noſtre Seignur le Roi coment pluſeurs marchantz ſibien foreins come denzeins ſe ount retraitz & uncore ſe retreent de venir od draps en le Roialme dEngleterre a grant damage du Roi & de tout le poeple par cauſe qe launeour le Roi ſurmette as marchantz eſtranges qe leur draps ne ſont mie daſſiſe ceſt aſſavoir le drap de colour de la longure de vint & ſis aunes meſuree par le dos & de la laeure de ſys quarters & dimid’ & le drap de raie de la longure de vint & oet aunes meſuree par le liſte & de la laeure de ſys quarters & les areſt come forfaitz au Roi & ount prie a noſtre dit Seignur le Roi qe lui pleſe releſſer & oſter tieles forfaitures en eeſe de ſon poeple pur covenable recompenſation faire a lui dautre part noſtre Seignur le Roi ſur tiele condition otroiant a lour ſupplication ad releſſe & oſte de tout les dites forfaitures & voet & grant pur lui & pur ſes heirs qe mes ne ſoient nuls draps forfaitz tout ne ſoient ils de laſſiſe avantdite mes qe launeour le Roi face auner les draps & les mercher par quele merche homme purra conoiſtre combien le draps contient & de tant come ſerra trove le draps qe eſt achate pur draps daſſiſe eſtre meinz qe daſſiſe ſoit allowance ou rebatement fait a lachiatour en le paiement qil ferra pur meiſme le draps ſolonc la quantite du pris pur quel le draps feuſt achate & qe launeour preigne pur cheſcun draps iſſint aunee qeſt daſſiſe ceſt aſſavoir du vendour un maill & de dimid’ draps un ferthyng pur ſon office & nient plus ne qil ne preigne rien de draps qe eſt meinz qe di’ draps & qil ne ſe melle rien de launage de nuls draps fors ſoulement de draps qe ſont a vendre. Et par tant les ditz Seignurs & communes ount grante au Roi un ſubſid’ de cheſcun draps qeſt a vendre a prendre du vendour autre les cuſtumes ent due ceſt aſſavoir de cheſcun draps du dite aſſiſe en quele ny ad point de graine iiij. d. & de dimi tieu draps ii. d. de cheſcun draps de ſcarlet daſſiſe vi. d. & de dimi tieu draps iii. d. & de cheſcun draps daſſiſe de dimi graine cinqe deniers & de di’ tieu drap ii. d. ob. Et qe de cheſcun drap paſſant di’ drap daſſiſe par trois aunes & plus qe neſt mie drap entiere daſſiſe & auſſint de cheſcun drap paſſant drap entiere par trois aunes & plus ſoit pris ſolonc lafferant du ſubſid’

qeſt

Ex Rot. in Turr. Lond.

qeſt a paier pur le drap entiere de meiſme la ſorte iſſint totesfoitz qe nul drap qe ne contient pas di' drap ne de draps queux homme fait a ſon oeps demeſne pur veſtir lui & ſa meiſnee de draps enſealez du ſeal du coillour du dit ſubſid' des queux meiſme le ſubſid' eſt unefoitz paie par le vendour a qi mains qe tieux draps deviegnent apres a vendre ou en autre manere rien du dit ſubſide ſoit paie ne demande. Et qe tote manere de draps qe ſont mis avente avant qils ſoient enſealez du dit ſeal ſoient forfaitz au Roi & pris en ſa main par le dit coillour ou auneour ou par le depute de lun de eux ou autrement par baillifs de la ville ou tiel drap vendable nient enſeale ſerra trove.

'Cloth of the ſame Sort; ſo always that of no Cloth 'which containeth not half a Cloth, nor of Cloths 'which a Man maketh for his own Uſe to clothe him 'and his Meiny, nor of Cloth ſealed with the Seal 'of the Collector of the ſaid Subſidy, of which the 'ſame Subſidy was once paid by the Seller, to whoſe 'Hands that ſuch Cloths ſhall come after to ſell, or 'in any Manner, nothing of the ſaid Subſidy ſhall 'be paid and demanded. And that ſuch Manner of 'Cloths which be put to Sale before that they be 'ſealed with the ſaid Seal, ſhall be forfeit to the 'King, and taken into his Hands by the ſaid Col-'lector or Aulneger, or by the Deputy of one of 'them, or elſe by the Bailiffs of the Town where 'ſuch vendible Cloths not ſealed ſhall be found.'

Cloths put to Sale before they be ſealed, ſhall be forfeit. Carthew 325.

Amended by 5 & 6 Ed. 6. c. 6. 11 & 12 W. 3. c. 20. *takes away Aulnage Duties.*

CAP. V.

It ſhall be Felony to foreſtall or ingroſs *Gaſcoign* Wine.

ENſement acorde eſt & aſſentu qe defens & proclamation ſoient faites qe nul marchant Engleis nengroſſe ne forſtalle vins en Gaſcoigne ne les preigne par voie dacate de nul Gaſcon ne dautre pur paier en Engleterre pur plus grant ſumme qe vins ne ſont communement venduz en Gaſcoigne par cauſe dappreſt ou peril de meer ou pur nul autre colour ſur peine de vie & de membre & de forfaiture des ditz vins & de touz lour autres biens & chateux devers le Roi & de forfaiture de leur terres & tenemenz devers les chiefs Seignurs & eient les chiefs Seignurs brief deſchete en le cas.

Repealed for the Felony and for the Forfeiture of Lands by 37 Ed. 3. c. 16.

CAP. VI.

Merchants may bring their Wines to what Ports they will.

AUſſint eſt ordene & eſtabli qe touz marchantz Gaſcons & autres eſtranges puſſent ameſner ſauvement leur vins en Engleterre a queu port qe lour plerra & faire ent lour profit Iſſint totes foitz qe le botiller le Roi purra faire la purveance le Roi de bins des aliens quant beſoigne ſerra feſant paiement pur meiſmes les vins deinz xl. jours en manere come ad eſte uſee dauncien temps.

O B. 43 Ed. 3. c. 3.

CAP. VII.

When and where *Gaſcoign* Wines may be bought.

ENſement acorde eſt & aſſentu qe nul marchant Engleis ne nul de ſes ſervantz ou autres de par eux naille en Gaſcoigne a demorer illoeqes nautre neit illoeqes demorant pur faire bargaine ou achate de vins par queconqe colour devant le temps de vendenge ou de reik ceſt aſſavoir avant qe commune paſſage ſe face pur quere vins illoeqes. Et qe nul nachate ne ne bargaine par lui ne par autre vins fors ſoulement en les ports de Burdeux & de Baion ſur les peines & forfaitures proſcheinement avantdites. Et ſi nul ſoit trove illoeqes feſant au contraire ſoit pris & areſtu par le ſeneſchal de Gaſcoigne ou le coneſtable de Burdeux & le corps maunde en Engleterre a la Tour de Londres. Et qe meiſme le ſeneſchal ou coneſtable certifie au Roi en ſa Chancellerie des nouns de tieux areſtuz & de lour meiſtres & compaignons enſemblement ou tout le fait.

O B. Rep. 37 Ed. 3. c. 16. for the Felony, and for the Forfeiture of Lands.

CAP. VIII.

Red and White Wine ſhall be gauged; and the Puniſhment of him that hindereth it.

AUſſint ordene eſt & eſtabli qe tous vins vermeilles & blauncs qe vendront en le dit Roialme & en les terres de Gales & Irland a vendre ſoient bien & loialment gaugez par le gaugeour le Roi ou ſon depute. Et ſi nul mette deſtourbance ou debate & ne voet mie ſoefrir ſes vins eſtre gaugez qil forface les ditz vins & ſoit puni par empriſonement & reint a la volunte le Roi. Et ſi defaute ſoit trové en le gaugeour qe il ou ſon depute ne ſoit mie preſt de faire ſon office quant il ſerra requis ou face fraude ou deceit en feſant ſon office au damage de lachatour ou de le vendour paie a la partie endamagee ſes damages au treble & perde

'ITEM it is accorded and eſtabliſhed, That all 'Wines Red and White, which ſhall come into 'ſaid Realm, and into the Land of *Wales* and *Ireland*, 'to ſell, ſhall be well and lawfully gauged by the King's 'Gaugers, or their Deputies. And if any do ſet Diſ-'turbance or Debate, and will not ſuffer the ſame to 'be gauged, he ſhall forfeit the ſaid Wines, and ſhall 'be puniſhed by Impriſonment, and ranſomed at the 'King's Will. And if Default be found in the Gau-'ger, that he or his Deputy be not ready to do his 'Office when he ſhall be required, or that he do Fraud 'or Deceit in doing his Office, to the Damage of 'the Buyer or of the Seller, he ſhall pay to the Par-'ty grieved his treble Damages, and loſe his Office,

Confirmed by 28 H. 8. c. 14. ſ. 5.

Ex Rot. in Turr. Lond.

Confirmed by 31 Ed. 3. ſtat. 1. c. 5. Enforced by 4 R. 2. c. 1. 18 H. 6. c. 17. 23 H. 6. c. 15. 1 R. 3. c. 13.

'and be puniſhed by Impriſonment, and ranſomed 'at the King's Will. And in caſe that leſs be found 'in the Tun or Pipe, than ought to be of Right, af- 'ter the Aſſize of the Tun, the Value of as much as 'ſhall lack of ſuch Tun or Pipe ſhall be allowed and 'deducted in the Payment.'

ſon office & ſoit puni par empriſonement & reint a la volunte le Roi. Et en cas qe meinz ſoit trove en le tonel ou pipe qe ne deuſt eſtre de droit ſolonc laſſiſe du tonel ſoit allowe & recope en le paiement la value de ce qe faudra de tieu tonel ou pipe.

Statutum de Stapulis, Anno XXVII°, *Stat.* 2.

MS. Reg. 19 A. XIV.

O B. 2 H. 5. ſtat. 2. c. 6. 2 H. 6. c. 4. 3 H. 6. c. 4.

EDWARD &c. Pur ceo que en bone Deliberation ove Prelates Ducs Countes Barons & Chivalers des Countees, ceſtaſavoir de cheſcun Countee un pur tout la Counte, & des Comunes des Cittees & Burghs de notre Roialme Dengl' ſomons a noſtre graunde Counſell tenuz a Weſtminſtre le lundy proſchen apres la feſt de Seint Matheu le Apoſtoill lan de noſtre Regne Dengl' xxviii. & du Fraunce xiiii. fur lez damages que ſount noterment avenuz, ſi bene a nous & a lez Graundes come a noſtre poeple de noſtre Roialme Dengl' & de nous terres de Gales & Dirlaunde, per cauſe que leſtaplez dez leins quires pealx lanutez de nous dites Roialmes & terres ad eſte tenuz hors de nous dites Roialmes & terres, ſi le eſtaple fuiſt tenuz deinz ycell & nul parte aillours, ſi avoms al honour de Dieu, & en relevation de noz Roialme & terres avauntdites, & pur leſchure lez perils que purroient avenire du contrarie en temps avenir, per Counſell & comune Aſſent dez dites Prelatez Ducz Countez Barons Chevaleres & Comunes avauntditz, ordeigne & eſtabli lez choſes ſouth eſcriptez.

CAP. I.

Where the Staple for *England*, *Wales*, and *Ireland* ſhall be kept. Whither Merchandiſes of the Staple ſhall be carried, and what Cuſtom ſhall be paid for them.

PRimerement que leſtaple dez leins quirs pealx lanutz & plumbe creſſaunt & provenaunt de nous Roialme & terres avauntditz ſoient perpetuelment es lieux ſouth eſcriptes, ceſtaſavoir pur Engl' a Neof Chaſtell ſur Tyne, Everwyke, Nicole, Norwich, Weſtminſtre, Caunterbirs, Ciceſtre, Winceſtre, Exceſtre, & Briſtut; & pur Gales a Karmardyne: & pur Irlaunde a Develin, Waterford, Coorke, & drouzda; & nul part aillours. Et qe toutz lez dites Drapes leins auxibien Veilles come nowelles pealx lanutes quirs & plumbee, que ſerrount menez de dit Roialme & terres, ſoient primes meſnes as ditz eſtaples; & illoeqs lez dites leins & plumbe entre Marchaunt & Marchaunt & autres loialment poiſes per leſtandarde, & cheſcun Sake & Sarplere de ycel leins iſſint poiſes & enſeales a leſtaple de Neof Chaſtel, Everwyke, Nicole, Weſtminſtre, Canterbiers, & Winceſtre, & auxint quirs pealx lanutz & plumbe qils vendrent illoeqs, pais ent la Cuſtume de la eſtaple, ſoient teſtemoignes per bille enſealle de Seal la Mair de eſtaple, & meſnez as portes ſouthescriptes, ceſtaſavoir Deverwike a Hull, de Nichol a Seint Botulph, de Norwich a graund Jernemouth, de Weſtminſtre a Loundres, de Canterbirs a Sandwich, de Winceſtre a Southamptoun, & illoeqs ſoient les dites leins & plumbe autrefoitz poiſes per nous Cuſtumers illoeqes aſſignes. Et tout lez leins & plumbe ameſnes as portez de Noef Chaſtell Ciceſtre Exceſte Briſtut Karmardyne Drouda Develin Waterford & Corke, ou lez autres eſtaples ſerrount tenuz, ſoient illoeqes forſque un foitz poiſez per leſtandarde entre Marchaunt & Marchaunt & autres en preſence de noz Cuſtumers illoeqs; & ſoit endenture fait entre le Maire del eſtaple eſteaunt en le porte de mer & nous Cuſtumers illoeqs dez toutz lez leins & plumbe iſſint poiſes, & auxint de quirs & pealx lanutez, qui viendrent a meſme leſtapule pur paſſer illoeqs, & meſme cel leinz & plumbe & auxint quirs & pealx lanutez Cuſtumez & coketteż, & les Cuſtumes ent dues paies a nous Cuſtumers en toutz lez dites portez, ceſtaſavoir dez denizeins pur le temps qils ount paſſe dimy marc de ſake de leins, dimi marke de ccc pealx lanutez, & xxs. demi laſt dez quirs & iii d. de cheſcun xx s. de plumbe, ſoient adonqs les Marchandiſes per Marchauntz eſtranges que laverount achates, & noun pas per Englis Galys ne Irrys, ameſnes as parties de dela hors dez nous dites Roialme & terres; queux parties que plerra as dites Marchauntes eſtraunges, & que les ditez Mairs & Cuſtumers ne delaient nul home volunterement pur gaine, ne pur cel cauſe nen autre manere rien ne preignent de nul, pur fair ce que appent a lour office, ſur payne denpriſonment & de paier a la partie la double de ce que ils averount iſſint pris, & auxi de ce que la partie ſerra iſſi endamage per cauſe de tiel pris ou delai & de outre de eſtre rent a noſtre volunte: mez ſoi tiegnent paies de ceo qils prendrent en certen pour lour office faire, & que la maire de la eſtaple & lez Cuſtumers pregnent ſerement de toutz Marchauntz quenſi paſſerount leins quirs pealx lanutez & plumbe, qils ne tiendrent nul eſtaple par dela de meſmez lez Marchaundiſes.

43 Ed. 3. c. 1. *See* 14 R. 2. c. 1. *for removing the Staple from Calais.*

Merchandiſe of the Staple carried from Staple Towns to Port Towns.

13 H. 4. 1. pl. 4. Indenture to be made thereof between the Mayor and Cuſtomer of the Port.

The ſeveral Cuſtoms to be paid by Denizens and Aliens.

Merchants Strangers only may tranſport the ſame.

Merchants Strangers ſhall be ſworn to hold no Staple beyond Sea.

CAP.

CAP. II.

Merchants Strangers may come into and depart forth of the Realm with their Goods, and none of them ſhall be taken by the King's Purveyor.

MS. Reg.

ITEM pur replener lez ditz Roialmes & terres de monei & de plat dor & dargent & dez marchandiſes dez autres terres, & pur doner talent as marchauntz eſtraunges de venir ove lez mercez & marchandiſez de autres terres en les Roialme & terres avauntditz. Si avoms ordeigne & eſtabli, que touts lez marchauntz eſtraunges, queux ne ſount mye de notre enmite, de quel terre ou nation qils ſoient, puiſſent ſoutz noſtre protection & ſave conduit vener & demurrer en nos dit Roialme & terrez, queux parties qils voudrount, & de illoeqs retourner ove lour meſnee merces & marchandiſes quecunqes fraunchement & vendre lour marchandiſes a lez eſtaples & aillours deinz meſme le Roialme & terres, a que lez voudra achater paiauntes les cuſtumes ent duez. Et pur plus aſſurere lez marchauntz eſtraunges & autres meſnauntes biens & marchaundiſes es dites Roialme & terres; ſi voloms & grauntoms ordeinoms & eſtabliſſoms pur nous & pur nous heirs & ſubgitz, que rien ne ſoit priſe outre lez cuſtumes avauntditez, ne priſes a notre ceps, per colour de vente ou en autre manere, en countre lour volunte, per nous miniſtres ne lez miniſtres nouz heirs ne per lez miniſtres de nul Roialx Prelates Ducs Çountes Barons Seignurs ne Dames, ne de nul autre petit ne graund; & ſi nul miniſtre per colour de ſon office ou en autre manere preigne riens de eux contre lour gre, ſoit maintenaunt priſe & areſtuz per lez Mair & Bailliffs de lieu, ſil ſoit hors de la eſtaple, ou per Maire & Miniſtres del eſtaple ſil ſoit deinz le eſtaple, & ſoit haſtive & redde proces fait devers luy de jour en jour & de hure en hure, ſolonc le ley de leſtaple & nemy a la comune ley, ſi bien hors de la eſtaple come dedeinz, a cheſcune que iſſint ferra; & ſil ſoit ent atteint, paie al marchaunt le double de ceo qil priſt & tant a nous. Et que nul commiſſioun ſoit fait, de prendre tieux priſes dez dites marchauntz; & ſi nul tiel commiſſioun ſoit fait, ſoit tenuz pur null.

CAP. III.

All Perſons may buy Woollfels, *&c.* ſo that they bring them to the Staple. It ſhall be Felony for an *Engliſh*, *&c.* Merchant to tranſport Wooll, *&c.*

ITEM nous voilloms & grauntoms, que toutz marchauntz, ſi bien deneſins come eſtraunges, puiſſent achatre leins pealx lanutes quires & plumb per toutz noz dites Roialme & terres, ſaunz covine ou colluſioun de amenuſer le priſe de ditz Marchaundiſez, iſſint toutz foitz qils lez ameſnent a leſtaple, & que nul Marchaunt Engles Irrois ne de Gales ne paſſe ove nul manere dez leins quirs pealx lanutes ne plumbe hors de dite Roialme & terres, fur peine de Vie & de Membre & de forfaiture dez ditez Marchaundiſez & dez toutz lour autre biens & chateux devers nous & de forfaiture de lour terres & tenementz devers lez chief Seignurs; & eient lez chief Seignurs brefs deſchet en le cas. Et que nul eſtraunges Marchauntz per covyne entre eux & Marchauntz Engleis Irrois ou Gales ameſne hors dez Roialme & terres avauntdites au profit dez Englis Irroies ou Gales en partie ou en tout, ne que nul Marchauntz Engleis Irroies ou Gales nautre face covene ove Marchauntz eſtraunges de ameſner quirs pealx lanutez ou plumbe as parties de dela hors de Roialme & terres avauntditez ſouz noun dez Merchauntz eſtraunges, nenvoient ne teignent lour ſervauntz & autres lour attournez es parties de dela hors de noz ditez Roialme & terres, pur vendre ou ſurveere la vente de lour leins quirs & plumbe illoeqs, ou de reſervere lez deners provenutz de la vente dez ditez leins quirs pealx lanutez: Et que nul Engleis Irroies ou Gales ou autre preigne autrement dor ne dargent nautre choſe en recompenſation ou commutation en noun de paiment es parties de dela hors de nouz Roialme & terres dez marchaundiſes venduz en Engleterre Irlaunde ou Gales touchant leſtaple, mes ſoit tout tiel paiment fait en or ou en argent, ou merchandiſe en Engleterre Irland ou Gales ou le contract ſe fit, ſur lez forfaitures & peinz prochen avauntditez: Ne que lez marchauntz eſtraunges ne marchauntz denezins facent entre eux en prive nen appiert coumpanie ne confederacye en fraude ou diſceit de ceſt ordinaunce, ne que nul lez meinteigne pur gaigne nen autre manere en tiel fraude ou diſceit, ſur meſmez les forfaitures & peinz. Et tut diz fait a entendre, que cheſcun Engliſe Irroeis & Gales puſſe ameſner fraunchement ſez leinz propres quirs peals & plumbe a leſtaple, & vendre illoeqs, ſaunz eſtre arcte de lez vendre en pais, & que cheſcun marchaunt que vende ſez leinz a leſtaple ſoit tenuz de garraunter lempakkur de meſmes les leins.

36 Ed 3. c. 11.
38 Ed. 3. c. 6.
43 Ed. 3. c. 1.
14 R. 2. c. 5.
No Engliſhman, &c. ſhall tranſport Wooll, &c. in a Stranger's Name, nor keep a Servant beyond the Sea to ſurvey the Sale of Wooll, &c. Nor exchange foreign Wares in Payment for Staple, but ſhall take Gold, &c. Every Man may carry his own Wooll, &c. to the Staple to ſell. Warranty of the packing of Wooll.

CAP. IV.

None going unto or returning from the Staple ſhall be diſturbed by Purveyors.

ITEM pur ceo que nul eſtaple poet eſtre profitable pur nous & pur nouz ditz Roialme & terres, ſi ele ne ſoit fraunchefe, ſi voloms & grauntoms pur nous & pur nous heirs pur maintenaunce de dite eſtaple, qe toutz maners dez gentz puiſſent venir ove lour cariagez & biens devers leſtaple, & retourner de cel fraunchement, ſaunz ceo qils ſoient deſtourbes per priſes de nous ou de nul autre, ſauvez a nous & a nous heirs toutz maners des priſes Roialx dez toutz maners des cariages & vitailles per toutz nouz Roialme & terres avauntditez auncienment dues & uſes de droit, come ad eſte fait per nous & nous auncеſtres devaunt cez hures; & eit cheſcun cariour retournant del Eſtaple un bill ſouth le ſeall du maire de la eſtaple, per quel il poet eſtre conuz, qil ſert a la eſtaple, contenauntz les journez que luy buſoigne pur ſone retourner al hoſtel,

MS. Reg.

What Penalty ſhall be inflicted, and by whom, upon thoſe that take the Goods of the Staple.

hoſtel, quele bill luy ſoit fraunchement graunte; & ſoit le maire juree, que il ne fra nul tiel bill pur autre que ne ſert a leſtaple; & ſi nul niel cariour carecte beſte nef ou autre choſe que ſert pur cariage de ce que appartient a leſtaple, ſoit pris, & ſoit deinz la verge hors de la ſtaple, ſoit hue & crie leve ſur lez pernours, & ſoient maintenaunt lez pernours pris per gentez de la ville ou la priſe fuiſt fait, ou pur gentz dautres villes, ſils ſoient diffuantez, & meſnez devaunt le Seneſchal & Maire de noſtre Hoſtiell, & illoeqs ſoit fait redde puniſſement de eux, ſolonc ceo que le fait demande; Et ſi tiel priſe ſoit fait hors de la verge, ſoit hue & crie leve, & ſoient lez pernours priſt & areſtuz per le ville ou tieux priſes ſount faitez, ou per autres villes proſcheinz ſils ſoient diffuantez, & meſnez al proſchein gaole, & illoeqs ſoit fait de eux come de Larons, ſi le fait le demaunde. Et en cas que lez gentez dez tieux villez ſoient rebellez, & ne voillent pas purſuer de areſter tieux pernours come avaunt eſt dit, reſpoignent lez iiij villes procheinz dez damages, que purrount eſtre troves devaunt ceux que nous a ce aſſigneroms, queux lez pleintifs averount encouruz pur lour defaut, ſils ne ſe puiſſent ent reaſonablement excuſer. Et ſi tieux priſes ſoient faitez en lieux ou lez eſtaples ſount, ſoient lez pernours areſtuz per le Maire & Miniſtres de leſtaple, iſſint toutz voies que ſi tiel priſe ſoit fait a leſtaple, & le eſtaple ſoit deinz le virge, & lez pernours areſtuz ſoient de noſtre hoſtiel, adounqs ſoit fait de eux come devaunt eſt dit per le Meire & Miniſtres de leſtaple, & ſoient lez Seneſchal & Mair de noſtre hoſtel ou le lieutenant le Seneſchal a ce appellez ſil y voillent eſtre, pur veier que droit ſe face as dites pernours ſolonc le ley de le Eſtaple; & en cas qils ne veignent point, aillent lez Mair & Miniſtres de leſtaple avaunt en le proces, & facent juſtice ſolonc le ley de leſtaple, nient contriſteaunt le noun venue de ditz Seneſchal & Maire, & le lieu tenant avauntditez.

CAP. V.

None of the King's Juſtices ſhall take Cogniſance of Things belonging to the Staple.

ITEM en cas que noſtre banke ou le comune banke ou Juſtices de Eire ou Juſtices daſſiſez ou la Place de la Mareſchalſie ou aſcuns autres Juſtices veignount es lieux ou lez dites eſtaplez ſount, lez dites Juſtices Seneſcal ne Mareſcalz nautres dez ditez placez neient coniſaunce illoeqs dez choſes que appartignent al coniſaunce dez Mairs & Miniſtres de leſtaple.

CAP. VI.

None of the King's Officers ſhall meddle where the Staples be.

ITEM nous voloms & defendoms, que nul Mareſcalx nautre miniſtre de noſtre hoſtel ne dautre facent livere, ne ſe meillent, as lieux ou lez eſtaples ſount tenuz, dez meſons ou marchauntz ou lour meigne ou lainz ou autres marchandiſes de leſtaple ſerrount herberges, nentrent en ycellez pur lour office faire, ne rienz ne priegnent, pur ent faire diſporte a nully, ſur peyne de faire gree a la partie a qui ſuite il ſerra atteint du quatreble de ceo que le pleintif ſerra endamage, & outre ſoit grevouſment puny devers nous.

CAP. VII.

Licences granted to carry Merchandiſes forth of the Realm ſhall be void.

5 Bulſtr. 27.

ITEM nous voloms & grauntoms que nul conge ne privelege de faire paſſer per Engleis Irrois ne Galeis leins quires peaux lanutez ne plumbe hors dez ditez Roialme & terres ne ſoient grantez per nous ne nous heirs contre ceſt ordinaunce; & ſi nullez ſoient grauntes a contrarie, ſoient tenuz pur nullez, & ne doignent excuſation ne garauntie a ceux que ferrount paſſer lez ditz marchaundiſes, qils nencourgent lez peinz & forfaitures contenuz en le dite tierce articule.

CAP. VIII.

The Juriſdiction of the Mayor and Conſtables of the Staple. All People of the Staple ſhall be ruled by the Law-Merchant, and not by the Common Law.

ITEM avoms ordeigne & eſtabli, que lez Mairs & lez Counſtables de leſtaples eient juriſdiction & coniſaunce deinz lez villez ou leſtaples ſerrount & en lez ſuburbes dicels dez gentez & dez toutz maners choſes tochauntes leſtaple, & que touts merchants veignants a leſtaple lour ſervants & meignie en leſtaple ſoient meſmes per la ley merchant de toutes choſes touchants leſtaple, & nemy a la comune ley de la terre, ne per uſage dez Citees Burghs nautres Villes; qils nimpledent my ne ſoient empledez devaunt les Juſtices dez ditez lieux en plee de dette covenaunt & treſpas touchant le eſtaple, eienz pledent toutz perſons de queux ils ſoi voidrent pleindre, ſi bien de ceux que ne ſount my de leſtaple come ceux que ſount de leſtaple, que ſerrount illoeqs troves, & ſoient en meſme la manere empledes, ſolement devaunt le Mair & Juſtices de leſtaple, que ſerrount a ceo deputes, dez toutz maners des plees & dactions, dount la coniſance appartient as Miniſtres de leſtaple; iſſint tout foitz, que de toutz maners contractes & covenauntes faites entre marchaunt & marchaunt ou autres dount lun partie ſoit marchaunt ou Miniſtre de leſtaple, le quel que les contracts ou covenantz ſoient fait deins leſtaple ou dehors, & auxint dez treſpas faitez deins leſtaple a marchaunt ou as Miniſtres de leſtaple per autres, ou per nul de eux as autres, eſſie la partie pleintif, le quel il

36 Ed. 3. c. 7.

MS. Reg.

il voet ſuer ſa action ou ſa querele devaunt lez Juſtices de la Eſtaple pur le ley de leſtaple, ou en autres places a la comune ley; et ſoit a ceo reſceu. Iſſint totes voies, qes plees tochantes aſcun del hoſtell le Seneſchall et ſon lieutenaunt et le mareſcall de noſtre dit hoſtiel y ſoient devaunt la Mair de la Eſtaple, pur veier que droit ſe face as parties, come devaunt eſt dit, ſils y voillent eſtre. Mes dez plees de terre et de Franke tenement ſoient a la comune ley. Et ſi marchauntz ou lour gentez eſtauntez a leſtaple per cauſe de cel facent felonie, ou ſoient tues deſrobbes ou maheimes per queconque perſone, ſoient le Maire de leſtaple & autres convenables aſſignes Juſticez, a oier & terminer lez dites felonies & maheymz deinz leſtaple ſaunz delay ſolonc le comune ley. Et ſi nul tiel felone ou treſpaſſour ſoit priſe & detenus deinz aſcun Fraunchefe, a qi que ſoit, per cauſe de tiel felonie, ou mahame fait deinz leſtaple, ſoit maintenaunt maunde per briefe, de fair venir le dit felone ou cely que fiſt la maheime devaunt lez ditez Juſtices, de fair droit de ly en la forme avauntdit. Et ſi ceux que ount tieux priſons en gard, ne lez voile deliverer, encourgent la paine de C li. devers nous, et jademeinz deliverent le corps en la forme ſuiſdite. Et en cas que nul enditement ſoit fait hors de la Eſtaple des felonies et treſpaſſes faitez per gentez de leſtaple ou per autres as eux deinz leſtaple, ſoit cel enditement maunde devaunt le dit Mair et ceux que ſerrount aſſignez oveque luy Juſtices, a faire droit en cel partie. Et ſi plee ou debait ſoit mene devaunt le Mair de leſtaple entre lez marchauntz et miniſtres dicellez, et ſur ce pur trier la verite enqueſte ou prove ſoit apprendre; ſi volumus que ſi lun partie & lautre ſoit eſtraunge, ſoit trie per eſtraunges, & ſi lun partie & lautre ſoit denizins ſoit trie per denizins, & ſi lune partie ſoit denizin & lautre partie Alien, ſoit lun moite de lenqueſt ou del prove dez denizeins & lautre moite des Aliens.

Pleas of Land, Felony, or Maim done within the Staple.

Dyer 144. Fitz. Trial, 30, 32, 71. 21 H. 7. f. 32. Where the Trial ſhall be by Denizens, and where by Medietatem linguæ. 28 Ed. 3. c. 13. 8 H. 6. c. 29.

CAP. IX.

The Effect of a Recogniſance knowledged in the Staple for Recovery of a Debt.

ITEM afyn que lez contractz faitez deinz leſtaple ſoit le meutz tenuz, et lez paimentz preſtement faitez ſi avoms ordeigne et eſtabliz, que cheſcun mair des dits eſtaples eiet poair de prendre recogniſances de dettes que home voudra faire devant luy en preſence des conſtables de leſtaple ou lun de eux, et quen cheſcun dez ditez eſtaples ſoit un ſeal ordeigne, demuraunt en le garde du dit mair de leſtaple ſouth lez ſeals des counſtables, et que toutz obligations que y ſerrount faitez ſur tielx reconiſaunces ſoient enſeals de dite ſeal payaunt pur cheſcun obligation de C. li. et dedens de cheſcun livere un maille. Et de cheſcun obligation outre C. li. de cheſcun livere un eſterlinge. Et qe le mair de leſtaple per vertu de celes lettres puiſſe prendre et tenir en priſon les corps du dettour apres la terme encorus, ſil ſoit trove deins leſtaple, tanque ils eient fait gre au creditour de la dete et des damages, et auxint dareſter lez biens de meſmes lez dettours trovez deinz la dite eſtapule, et deliverer leq dites biens as creditours per verroi eſtimation, ou de lez vendre a mieutz que homme purra, et deliverer lez deners as ditez creditours, tanque al ſomme due. Et en cas que lez dettours ne ſoient trovez deinz leſtaple, ne lour biens a la value de la dette, ſoit ceo certifie en Chauncellerie ſouth le dit ſeale; ſur quel certification ſoit brief maunde, de prendre lez corps dez ditez dettours ſaunz lez mettre a meinpriſe, et de ſeiſir lour terres et tenementz bienz et chateux, et ſoit la dit bref retourne in noſtre Chauncellerie ove la certification de la value dez ditez terres et tenementz bienz et chateux, et ſur ceo y ſoit due execution fait de jour en jour, en la manere come il eſt contenuz en leſtatut marchaunt; iſſint que celui a qi le dette eſt due eit eſtat de franke tenement en lez terres et tenementz que luy ſerrount liveres per vertue de cel proces, et recoverer per lettre de novel diſſeſine en cas qil ſoit ouſte, et que le dettour neit my avauntage del quarter dun an, que eſt contenuz en le dit eſtatut marchaunt. Et en cas que nul creditour ne voille aver lettres de dite ſeal, eins voille eſtre a la foie le dettour, ſi apres la terme encoru il demaunde le dette, ſoit le dettour cru ſur ſa foy.

In what Manner Execution ſhall be made of the Statute-Staple. 15 H. 7. f. 16.

Execution awarded out of the Chancery, if the Debtor have not ſufficienc in the Staple. Regiſt. 151, 289. 37 H. 6. f. 6. Dyer 206.

What Eſtate the Creditor ſhall have in the Debtor's Land extended. 13 Ed. 1. ſtat. 3. c. 1. 15 R. 2. c. 9. 23 H. 8. c. 6.

CAP. X.

Thère ſhall be but one Weight, Meaſure, and Yard throughout the Realm.

ITEM pur ceo que nous avoms entendu, que aſcuns marchauntz achatent avoir de pois leynz et autres marchandiſes per un pois, et vendent per un autre, et founte auxint deceivables retretes ſur le poiſir, et auxint uſent faux meſures et verges, en graunde diſceite de nous et de tut la communalte et dez loialx marchauntz; ſi voloms et eſtabliſſoms, qun pois, un meſure, et un verge ſoit per tut la terre, ſi bien hors de la eſtaple come dedeinz, et qe leins et tut maner' de avoir de pois ſoient poiſes per balaunces, iſſint que la lange de la balance ſoit owel, ſaunz encliner a lun partie ou a lautre, et ſaunz mettre main ou pee ou autre touche faire; et que celuy que face al encontre a damage du dit vendour, forface devers nous la valew de la marchaundiſe iſſint poiſe et meſure, et eit la partie que ſe pleindra le quatreble de ce qil ſerra endamage, et eit le treſpaſſour lenpriſonment dun an, et ſoit rente a la volunte noſtre Seignur le Roi; et ſur ceo ſoient aſſignes Juſtices denquerer dez tieux treſpaſſours, as toutz lez foitz que meſtre ſerra, et de faire droit auxi bien a noſtre ſute come a ſute dautres que ſoy verrount pleindre.

The Penalty of him which doth not weigh by equal Balance. 9 H. 3. ſtat. 1. c. 25. 14 Ed. 3. ſtat. 1. c. 12. 9 H. 5. c. 8. 8 H. 6. c. 5. 11 H. 7. c. 4. 12 H. 7. c. 5. 16 Car. 2. c. 19. *and* 22 Car. 2. c. 8.

CAP.

CAP. XI.

The Penalty for foreſtalling of Merchandiſe before they come to the Staple.

MS. Reg.

28 Ed. 3. c. 13. ITEM nous avoms ordeigne et eſtabli, que toutz marchauntz denizeins et aliens que ameſnerount vyns et autres merces et marchaundiſes, queconques que ſoient, a leſtaples burghs et bones villes et lez portez du mere deinz nouz ditz Roialme et terres, les puiſſent ſavement et ſaunz chalange ou empechement de nulli vendre en gros ou a retaille ou per parcels a lour volunte, as quecunques gentz que lez voudrount achatre, et que nul marchaunt prive neſtraunge naultre de quel condition qil ſoit aille per terre ne per ewe dencontre tieux vins merces ne marchaundiſes venauntez en nous dites Roialme et terres en mere naillours, pur lez forſtaller achatre ou en autri maner arrier, avaunt qils veignent en leſtaple ou a porte ou ils ſerrount diſcharges, nentre les nefs pur tiel cauſe, tanque lez marchaundiſes ſoient mys a la terre pur vendre, ſur les paines et forfaitures contenuz en le dite articule.

CAP. XII.

The Penalty of ſelling Wooll, *&c.* to a *Scottiſh* Man to be carried into *Scotland.*

ITEM que nul marchaunt prive ne eſtraunge nautre ameſne hors de noſtre Roialme Dengl' leins quirs peaulx lanutes a Berwike ſur Twede ne nul part aillours en Eſcoce, ne que nul homme, marchaunt nautre de quel eſtat ou condition qil ſoit, vende ſez leynz pealx lanutz ne quirs a nul homme Deſcoce, ne a nul autre pur ameſner en Eſcoce ſur lez peinez & forfaitures contenuz en le dicte tierce articule.

CAP. XIII.

A Remedy where a Merchant's Goods be robbed or periſhed on the Sea.

ITEM nous voloms & grauntoms, que ſi aſcun marchaunt prive ou eſtraunge ſoit diſrobbe dez biens ſur meere, et lez biens enli robbes veignount aſcun part deinz nous dites Rialme et terres, et voet ſuer pur lez dites biens recoverer, ſoit reſcu a prover lez ditez bienz eſtre lez ſoens per ſes marches ou per ſa carte ou koket ou per bonez et loialx marchauntz prives ou eſtraunges, et per tieux proves ſoient meſmes les biens deliveres al marchaunt, ſaunz autre ſuite faire a la comune ley. Et en cas que nul niefs iſſint de nous ditez Roialme et terres, en venantez a ycel, per tempeſt ou per autre infortune debruſent ſur lez coſtes de mere, & lez bienz veignent a terre, que ne purrount eſtre dit Wreke, ſoient maintenaunt ſaunz fraude ou mal engine deliverez as marchauntz as queux lez biens ſount, ou a lour ſervauntz ſur tiel paine come devaunt eſt dit, payauntez a eux que lez averount ſauvez et gardez covenablement pur lour travaill, ceſtaſavoir per diſcretion des viſcountes Baillifs ou autres miniſtres es lieux gildables, ou autres Seignurs nount point de fraunchefe, et per laviſe et laſſent de iiii ou vi dez meillours et plus ſuffiſauntes prodehomes du pays; & ſi ce ſoit deins fraunchefe dautres Seignurs, adonqs ſe face per lez ſeneſcalz ou baillifs de fraunchefe per aſſent de iiii ou vi prode homes, come deſuis eſt dit, ſaunz nul delay.

CAP. XIV.

Merchants may bring in Gold or Silver to the King's Exchanges, and carry out as much.

ITEM avoms ordeigne et eſtabli, que toutz marchauntz privez et eſtraunges puiſſent ſavement ameſner et porter deinz nous dites Roialme et terres plate dargent billettes dor et tut autre maner dor et toutz moneys dor et dargent a noſtre bullione ou a nous eſchaunges, que nous ferroms ordeiner a nouz ditez eſtaples et aillours, pernant illoeqs money de noſtre coigne covenablement a la value. Et ſi nul voille prendre bone monoye dor et dargent dautre coigne que de noſtre en paiment, le preigne ſaunz empechement, ſi que nul ſoit a ceo arte ſil ne voil prendre de gree: purveu toutez voies, que nul monee neit comune cours deinz noſtre Roialme forſque le money de noſtre coigne, et que nul emporte hors de noſtre Roialme veil eſterlinge nautre money horſpris lez marchauntz eſtraunges, que apportent aſcun money et ne voillent emploier cel money, quelez nous voilloms qils puiſſent le money que demura nient emploie reporter en lour pays, iſſint que bone ſerche ent ſoit fait en lez portez et lieux ou arrivaille eſt, et que tout le money que chacun eſtraunge marchaunt ameſnera en noſtre Roialme ſoit mys en eſcriptez per lez ſerchours, a fyn que nul naporte plus quil nemporta en noſtre dit Roialme, et que nul miniſter per colour de tiel ſerche face empechement ne diſturbaunce a nul eſtraunge marchaunt, pur luy grever, et que tout faux monoyes que ſerrount trovez per tiel ſerche deinz noſtre Roialme en deſceit de noſtre money ſoit forfaitz a nous ſolonque les ordinauncez autre foitz ent faitez.

Foreign Money not to be of common Currency in the Realm; nor old Sterling to be carried out of it. Proviſo for Merchants Strangers.

All falſe Money forfeited to the King.

CAP.

CAP. XV.

Indentures ſhall be made between Carriers of Woolls by the Water, and the Bailiffs of Towns where they load them; which Carriers ſhall be ſworn and bound to carry them to the Staple.

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ITEM nous voloms et eſtabliſoms, que ceux que ount leynz quers pealx lanutez et plumbe en pays entre lez lieux ou lez eſtaples ſount et le meere, et lez voillent faire carier a leſtaples per ewes douces ou per braces de meere, facent endentures entre eux et lez baillifs de villes ou ils les metteront en nief, teſtemoignauntz comebien de leynz quirs peaulx lanutes et plumbe eſt iſſint mys en nief; Et les baillifs dez lieux preignent ſerment et ſuffiſaunt ſeurte, pur quels ils vodrount reſpondre, de eux et dez mariners, qils irrount ove ces leynz quirs pealx et plumbe a lez eſtaples et nul part aillours, et deſchargeront illoeqs, devaunt qils entrent le mere. Et que lez baillifs envoient maintenaunt lun partie del endenture contenaunt le ſeurte et le quantite des leynz quirs pealx & plumbe, au mair del eſtaple, as coſtages de ceux as queux lez biens ſount, per aſcun home pur quoi ils voidrount reſpondre. Et ſi nul Mair Baillif ou Miniſtre de lieu ou tielx marchaundiſes ſerrount charges, ſuffrent lez ditez marchaundiſes paſſer en autre maner, encourgent ſibien le Mair & le Baillif & Miniſtres avauntditz come lez marchaunt que lez chargera les paines & forfaitures contenuz en le dite tierce articule.

CAP. XVI.

Houſes ſhall be let for Reaſonable Rents, in Staple Towns, impoſed by the Mayor, *&c.*

ITEM qen cheſcun ville ou leſtaple ſerra tenuz ſoient ordeins certeins ruez & lieux, ou lez leyns & autres marchaundiſes ſerront mys. Et pur ceo que lez Seignurs ou gardeins dez meſons es lieux voiauntez la neceſſite dez marchauntz mettrount per cas lour meaſons a trop haut ferme; ſi avoms ordeigne, que lez meaſons que ſount a leſſer en tiel maner, ſoient mys a reſonable ferme, ſolonc lordinaunce de mair et des conſtables leſtaple et iiii. prodes homes dez meillours de la ville ou leſtaple eſt, que ſerrount jurres en le preſence dez dites maire et conſtables, de faire loiall tax, ſi que pur defaute dez meaſons leſtaple ne ſoit my empeche, et que nul homme que amegne ſez leynz et autres marchaundiſes illoeqs ne ſoit diſtourbe de herberger meſmes lez leyns et marchaundiſes en lez meaſons, queux ils averont iſſint alowes.

CAP. XVII.

A Merchant Stranger ſhall not be impeached for another's Debt, but upon good Cauſe. Merchants of Enemies Countreys ſhall ſell their Goods in convenient Time, and depart.

ITEM que nul marchaunt eſtraunge ſoit emplede ou empeche pur autri treſpas, ou pur autri dette, dount il neſt pas dettour plegge ou mainpernour: purveu tout foiz, que ſi nuls noz liegez gentez, marchauntz ou autres, ſoient endamages per aſcuns Seignurs dez eſtraunges terrez ou lour ſubjeitz, et lez ditez Seignurs duement requis faillent de droit a nous ditz gentz; nous eioms le ley de mark et repreiſalx, come ad eſte uſe avaunt cez heures, ſaunz fraude ou mal engine. Et en cas, que dieu defende, aſcun debate ſourde entre nous et aſcuns Seignurs dez eſtraunges terres, ne voilloms mye que lez gentz et marchauntz de la dite terre ſoient ſodeignment ſubduz de nouz ditez Roialme et terrez per cauſe de la dit debate, einz que ils ſoient garniz et proclamation ent publie; et qils voident lez ditz Roialme et terres ove lour bienz fraunchement deinz xl. jours apres la garniſſement ou proclamation faites; et que en le meſne temps ils ne ſoient de rien empechez ne deſtourbez de lour paſſage, ou de lour profit fair de meſmes lez marchaundiſez, ſils lez voillent vendre; et en cas qen defaute de vente ou de navee ou de maladie ou autre cauſe evident ils ne porrount voider nous ditez Roialme et terres en ſi brief temps, dounqs ils eient autre xl. jours ou plus ſi meſtre ſoit, deinz quel temps ils porrount paſſer covenablement ove lour marchaundiſes, ou vendre, come devaunt eſt dite.

2 Inſt. 205. One Merchant's Goods ſhall not be ſeiſed for another's Debt, but upon Cauſe. Law of Marque. Merchants of Enemies Countries ſhall have convenient Time by Proclamation to ſell their Goods, and to depart. 4 H. 5. c. 7.

CAP. XVIII.

Merchants of *Ireland* or *Wales* may bring their Merchandiſes to the Staples of *England*.

ITEM pur ceo que nous penſoms bien, que lez Marchauntz eſtraunges ne viegnent mie comunement en Irland nen Galez pur Marchaunder, come ils ſount en Engleterre, Si voloms de noſtre grace eſpecialle, que bien liſe as gentz Dirland et Gales, que ne porrount deliverer lour leynz quirs peaulx lanutes et plumbe en Irland et en Galez as dites Marchauntes eſtraunges, de venir ove lour Marchaundiſes, apres ceo qils ſoient cuſtumes et coketts en Irland et Galez, a aſcuns de nous eſtaplez en England, a quel lour plerra, aportantz lour coketts teſmoignaunts lour Marchaundiſes qils deſchargerount a leſtaple Dengl'; iſſint que eux quaunt ils ſerrount venuz a leſtaple Dengl' ne ceux que lour Marchaundiſes achaterount de eux illoeqs, ne paierount autrefoitz cuſtume ne ſubſide pur lez ditez Marchaundiſes iſſint cuſtumes en noſtre dit terre Dirland ou de Gales. Et ſoient nouz Treſurer et Barons de noſtre Eſcheqer Dengl' certifiez deux foitz per an ameyns, ſcilicet a la Paſque et Seint Michelle, comebien dez leynz quirs pealx lanutes et plumbe paſſent hors de la dite terre Dirland et de la cuſtume ent paie. Et en cas que les Merchants ou autres gentz Dirlaund ou de Gales apres ceo que ils ſoient en meere ove lour ditez Marchaundiſez paſſent aillours qe a leſtaples en Engleterre, encourgent lez paines et forfaitures contenuz en la dite tierce articule.

It ſhall be Felony for any Welſh or Iriſhman to carry their Wool, &c. to any other Place, ſaving to the Staple.

CAP. XIX.

None ſhall loſe his Goods by his Servant's Offence. Speedy Juſtice ſhall be done from Day to Day, and from Hour to Hour.

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Merchants Strangers ſhall have preſent Remedy for any Grievances done to them.

ITEM que nul Marchaunt nautre, de quel condition qil ſoit, perde ne forface ſez bienz ne Marchaundiſez pur treſpas et forfaiture de ſon ſervaunt, ſil ne le face per Comaundement ou abette de ſon meiſtre, ou qil eit meſpris en loffice en quel ſon meiſtre luy ad mys, ou en autre manere qe le maiſtre ſoit tenuz a reſpondre pur le fait ſon ſervaunt per le ley Marchaunt, come per aillours ad eſte uſee. Et pur ce que Marchauntz ne pont ſovent longement demurere en un lieu, pur entreleſſer lour Marchaundiſes, Si voloms que haſtive droit lour ſoit fait de jour en jour et de hure en hure, ſolounqe lez leys uſeez en autre eſtaples tenuz avaunt cez hures per aillours, tout les foitzs qiles les voidrount pleindre de nulli, ou que nul ſe voidra pleindre de eux, iſſint que lez Marchauntz ne ſoient per malice taries pur defaut de haſtive remedie.

CAP. XX.

Merchants Strangers taken in the King's Protection; and for their Wrongs ſhall recover double Damages.

ITEM pur ceo que nous avoms priſe toutz Marchauntz eſtranges venantes en nous dites Roialme et terres en noſtre dit eſpeciale protection, et outre graunte de lour fair haſtive remedie des grevaunces, ſi nuls lour ſoient faites, Si avoms ordine et eſtabli, que ſi nul outrage ou grevaunce lour ſoit fait en pays hors del eſtaple, les Juſtices de lieu, ou tiels outrages ſerrount faites, facent haſtiment Juſtice a eux, ſolom le ley Marchaunt de jour en jour et de hure en hure, ſaunz deſporte faire a nulli ou de les mettre ſuere a la comune ley. Et ſi nul ſoit convicte, qil eit greve lez Marchauntz iſſint priſe en noſtre protection, ſoit pur le contempt fait a nous puny devers nous en taunt come ſerra adjuge as Marchauntz pur ſez damages, et ſoient as dites Marchauntz eſtraunges lour damagez reſtores a double.

CAP. XXI.

A Mayor and two Conſtables ſhall be choſen yearly in every Staple Town: And their Authority.

ITEM pur ceo qe lez eſtaples ne ſe porrount mye longement tenir, ne lez ordinaunces ent faites ou affaire eſtre gardez, ſi bones executours et Juſtices ne ſoient eſtabliez, pur fair ent bone et redde ley et execution; Si avoms ordeine et eſtabli, que en cheſcun Ville, ou leſtaple eſt ordeine, ſoit fait et eſtabli un mair bone loial et ſuffiſaunt, eiaunt coniſaunce de la ley Marchaunt, pur governer leſtaple, et faire droit a cheſcun ſolonc lez leys avauntditez, ſaunz favour deſport ou gref faire a nulli; et ſoient auxint en cheſcun lieu, ou leſtaple eſt, deux Coneſtables covenables ore a ſon comencement mys per nous, pur fair ceo que attient a lour office, en manere come en autres eſtaples eſt accuſtume. Et quaunt ils ſerrount mortes ou chaunges, adounqs ſoient autres eſluz per la volunte dez Marchauntz de dit lieu. Et que nul Maire tiegne loffice outre un An, ſil ne ſoit de novel eſluz per la communalte dez Merchauntz, auxibien dez eſtraungez come dez denizens. Et que lez ditz Mair et Coneſtables eient poair de garder la pees, et de arreſter lez malfeſours en leſtaples pur treſpas det ou pur autre contempt, et lez mettre en priſone, et punir ſolom le ley del eſtaple. Et ſoit ordeine un priſone pur la ſave garde deux que ſerrount iſſint empriſones. Et ſoient lez Mair Viſcounte et Baillif dez Villes ou leſtaple eſt, ou joynauntz a leſtaple, entendauntz as Mair et Miniſtres del Eſtaple, de faire execution de lour maundements a quel hure qils ſont requiſe, ſur peine de greve forfeiture. Et ſoit un Seignur ou autre de pluis ſuffiſants du pais ou leſtaple eſt, aſſigne deſtre en aide as Mair et Miniſtres del eſtaple, et juſticier les rebelx, que per les dites Mair & Miniſtres ne purrount eſtre Juſtices, et de lez meintener & counſeiller quaunt meſter ſerra, a bone governement del eſtaple. Et ſi nul Marchaunt ſe voil pleindre de Mair ou dez Coneſtables, qils ount faillez de droit, ou favour fait countre reſone a nul partie, ſoit haſtiment redreſſe per le Chaunceller et autres de noſtre Counſeill, ſaunz nul delay. E que meſmes les Maire et Coneſtables ne facent ne ordeinent rienz que ſoit a contrarie de ceſtes ordinaunces, ne facent enterpretation ne exception a ycell, autremen. que lez parols ne purportent; mes ſil y ad rienz que ſoit en doute, ſoit monſtre a noſtre counſeill, et illoeqs ſoit declare per bone adviſe.

Regiſt. 18.

CAP. XXII.

Correctors ſhall be appointed in the Staple Towns to make and record Bargains.

ITEM nous avoms ordeine, que en cheſcun lieu ou leſtaple ſe eſtendra, ſoit certein nombre dez Correctours, ſibien dez eſtraunges come privez, bones gentez ſuffiſauntez et ſachauntez de tiel meſter, pur loialment faire et recorder lez bargaines entre lez Vendours et Achatours, come ad eſte uſee en autrees eſtaples tenuz aillours; et qils treuſſent ſuffiſauntz Mainpernours devaunt lez Mair et Conſtables de leſtaple, de loialment faire ce que appent a lour office, et ſils ſoient troves en defaut, paient taunt a celuy que

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que ſerra endamage, come ſon perde amountra, iſſint qils ne ſe mellent de nul maner de Marchaundie pur le temps qils demurrount en loffice. Et que nul home ſoit conſtreint davoir correctour, ſi il ne le voile avoir de gre, ne de paier rien a nul correctour, ſil ne le melle a ſon bargaine a ſa requeſte.

CAP. XXIII.

The Officers of the Staple, and Merchants repairing to it, ſhall be ſworn to maintain the Staple, and the Laws and Cuſtoms of it.

ITEM que certein nombre de Porters Packers Wyndours overours et autres laborers dez leynez et autres Marchaundiſez ſoit ordeine ſuffiſauntement pur le lieu ou leſtaple eſt, et ſoient ils et lour Correctours et toutz maners Dofficers de leſtaples, eſtre lez Conſtables, jurrez devaunt le Mair del eſtaple, qils loialment ferrount lour office ſaunz fraude ou mal engyne. Auxint ſoient toutz Marchauntz Denizeins et Aliens venauntz as dites eſtaples per cauſe des Marchaundiſe jurrez devaunt lez Mair et Conſtables, qils ſerrount juſtizablez per lez ditez Mair et Conſtables ſolonc le ley et uſage, et maintenerount queque en eux eit leſtaple et lez leys et lez uſages de ycelle ſans fraude ou mal engyne. Et lez Maire et Conſtables ſerront jurrez en la Chauncelarie, de fair loialment ce que a eux appartient. 14 R. 2. c. 3.

CAP. XXIV.

Two Merchants Aliens ſhall be choſen to be aſſociate in Judgement to the Mayor and Conſtables. And ſix Mediators of Queſtions between Buyers and Sellers ſhall be choſen.

ITEM nous voloms et ordeinoms, que lez Marchauntz eſtraunges eſliſent deux Marchauntz, dez queux lun devers le South et autre devers le North ſoient aſſigne de ſeere ove le Maire et Conſtables del Eſtaple, ou aſcuns dez ditez lieux viendra, doier lez pleintez touchantz Marchauntz Aliens, que ſerrount megnes devaunt lez ditez Mair et Conſtables, a toutz lez foitz que aſcun dez ditez eſluez vodra eſtre, et de gveier que plein droit ſoit fait as ditez Marchauntz Aliens, iſſint que lez dites Mair et Conestables ne ceſſent point daler avaunt en lour procez, en cas que tieux eſlues ne viegnent pas. Et en cas que debate ſurde entre eux ſur aſcun diſcuſſion ſur aſcun plee ou querele, ſoit le tenour de cel plee ou querel mande devant le Chaunceller et autres de noſtre Counſeille, a terminere illoeqs ſaunz delay. Et ſoient auxint eſluz ſex perſones ſcilicet iiii dez aliens dount ii ſoient de Almaigne et ii de Lumbardie et ii Dengl' que ſoient bones gentz et de foy, et facent ſerment de faire bien et loialment lour office, quant et a quel hure aſcun queſtion ou debait ſurdra ou avendra enter Marchauntez daſcun non reſonable leyn ou daſcun non due packure, ſolonc lez covenantz faitez entre le achatour et vendour; que lez ditez perſones ou iiii deux puiſſent devaunt le Mair del eſtaple et ſez officers per lour ſerment dire et amendre, ſicome reſone voudra, et a eux ſur ceo ſoit done credence ſaunz nul counterdit.

Matters in Queſtion in the Staple ſhall be decided by the Chancellor.

CAP. XXV.

It ſhall be Felony to make any Conſpiracy which may turn to the Diſturbance of the Staple.

ITEM avoms ordeine et eſtabli, que nul Marchaunt nautre face conſpiracie confederacie covigne ymagination ou murmure ou mal engyne, en nul point que purra turner en empechement ou deſtourbaunce defeſance ou deferes dez ditz eſtaples, ou de riens ce que eux appartient ou purra appartener; et ſi aſcun face, et de ceo ſoit atteint devaunt Mair & Miniſtres del eſtaple, ou autre que nous a ceo aſſigneroms, encourge lez peins et forfaitures contenuz en le tierce articule.

CAP. XXVI.

Credit ſhall be given to Letters, or the Merchants Oaths, of the Value of their Goods.

ITEM come ſoit contenu en le Chartre noſtre Ael graunte as Marchauntz eſtraunges, et per nous conferme, que dez Marchaundiſes quels ils amegnerount en nouz ditez Roialme et terres, et dez queux iij. d. de la livere ſount a apaier per le ditz Marchauntz eſtraunges ſolounq meſme le graunt, ſoit done foy et credence a eux ſur la valewe dez dittez Marchaundiſez, per lettres quels ils porrount monſtre de meſme lez biens de lour Seignurs ou compaignons, et ſil neient point certein lettres quels ils porrount monſtre de meſme lez biens, ſoient crues de lour ſerment en cel partie; et ja done eſt a entendre a nous et a noſtre Counſeill par la pleint dez ditez Marchauntz, que tout eiaunt ils lettres teſtemoignantes la valew de lour Marchaundiſez, les Vicountes Maires Bailliffs et Miniſtres de pluſours lieux lez conſtreinent de jurer pur meſme lez Marchaundiſez, countre le forme de lour dite chartre, et jalemeins apres le ſerment fait enſeallent lour barellez Fardels et Bales, pur queux ils ount fait lour ſerment, et lez leſſent giſer iiii. jours ou vi. iſſint enſealez, avant qils lez voillent veier, et iſſint ils tollent as ditez Marchauntz la vente de lour biens, a graunte damage deux; Nous nient voillantes, que lez Marchauntz eſtranges, que viegnent ove lour Marchaundiſe en noz ditz Roialme et terres per comune profit de ycelles, ſoient en tiel manere grevez, Si voloms grauntoms

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et eſtabliſſoms, que la dite chartre ſoit tenu, et que lez Barelles fardelles et bales et lez autres biens dez ditz marchauntz, et pur queux ils averount monſtrez lour lettres, que ne ſount mye ſuſpecionouſez, ou fait la ſerment, come il eſt contenu en meſme le Chartre, maintenant apres le ſerment fait, ou tielx lettres monſtres, ſoient lour biens deliveres a eux ſaunz delai, pur faire ent lour profit, ſaunz rien prendre des eux ouſtre le Cuſtume de iij de la livre; iſſint que le Vicounte Mair Baillif ou autre miniſtre plus ne ſe mellent de meſme lez biens, ſur peine dempriſonment, et de payer a la partie endamage per cel cauſe ſez damages a quatreble, et tant a nous, et ſur ceo ſoit droit fait en noſtre Chauncellerie a cheſcun pleinte.

CAP. XXVII.

The Forfeiture of thoſe which before this Statute have tranſported their Woolls, &c.

ITEM avoms ordeine et eſtabli, que touts ceux qe ſerrount conuz, qils ount amegne leins quirs et pealx lanutz as partes de dela, contre defenſe et proclamation ent faitz avant le feſaunce de ceſt ordinaunce, ſoient ajugges a la priſon, et encourgent la forfeiture de meſme lez leynz quirs pealx lanutez iſſint paſſez, et de touts autres biens et chateux, et outre ſoient rentez a noſtre volunte.

CAP. XXVIII.

The Liberties of the Staple confirmed, notwithſtanding the Franchiſes of others: But in Fairs, Markets, Hundreds, Leets, &c.

ITEM nous voilloms grauntoms et ordeignoms, que toutz lez ſubſidez et choſes ſoient fermement gardez et tenuz en toutz pointez, nient contriſteaunt frauncheſe cuſtume privilege exemption jugementz ou autres grauntez faitez a Citees Burghs Villes comunaltes gentez de cynke Portez ou autres ſingulers perſones queconques, et ſi riens ſoit a mendre ajouſter chaunger ou retreer de nul des pointez avauntditez en temps avenir pur verroi cauſe, Nous voilloms, que ceo ſoit fait per deliberation et avys dez Grauntes et autres de noſtre Counſeil; Salvant en autres choſes as Prelates Ducs Countes Barouns et autres Seignurs lour feires marches et hundredes Wapentakes letes Juriſdictions Courtes Frauncheſes Privileges et toutz autres choſes as eux regardantz es lieux ou leſtaples ſount et ſerrount, et aillours, auxi avaunt come ils lez avoient devaunt lez eſtaplez ordeinez.

Other Mens Liberties being in the Staple ſaved.

Ordinatio de feodis Majorum et Conſtabulorum Stapule, Anno 27 EDW. III. editum.

MS. Reg. 19 A. XIV.

PUR ceo qe leſtaple eſt ore de novel ordeine a demurrer perpetuelment en Engleterre, et homme navoit au comencement nules evidences en certein, per quels home purroit aſſigner ou limiter en certein, ce qe lez Mairs et lez Conſtables en lez places la ou leſtaples ſont ordienez duiſſent prendre per An en certen pur lour travaill, mez eſtoit adounqs aſſentuz per les Seignurs et Comunes, qe de cheſcun ſak ſerount levez viij d. pur le primer An, et liverez as dites Mairs et Coneſtables en le place lou le Staples ſount aſſigniez, quel primer An paſſa hors a la Goule d'Auguſt darren paſſe; et ore veignent tantez dez leynz ou bien pres au porte de Loundres, come font en toutz lez autres par my le Roialme; et as aſcuns dez autres Eſtaples viegnent tantz dez leines come a deux ou trois autres Eſtaples, ſi qe a un Eſtaple veignent plus et a autres meins, iſſint qe lez Mairs Bailiffs et Counſtables daſcune place pernent trop et en aſcuns places trop poy et le peuple eſt trope charge de pair viij d. de ſake come deſus eſt dit, eiant regard a la ſoume dez leins qe paſſent outre mere; et tout le temps qe le dit Eſtaple eſtoit demurant outre meere, celui qe eſtoit eſluz Maire pur lez merchauntz Engliſh priſt un certen per An, et auxint ſeroit il reaſon qils priſterint en Engleterre, et ceo en meſurable maner, cheſcun ſelounq ſoun travaile, et qe le poeple ne fuiſt my taunt charge: per qui eſt ordeigne per le Roi et lez Grauntez per avys de tout le Counſell, qe home ne ferra lever de ſake forſqe iiij d. en nul port de la Goule Dauguſt darren paſſe tanqe en cea ne deſore pur le temps avenir; et qe lez iiij d. de ſake en cheſcun place ou leſtaple eſt ſoient mys en un boiſt et enſeale dez ſealx de Mair et Conſtables, au fyn qe lez ditez Mairs et conſtables puiſſent de ceo eſtre paies de lour certen, qils prendrount. Et ſi a la fyn del An plus ſoit en la boiſte qe namounte les fees des ditz Maire et Conſtables, ſoit ſavement garde, a payer et perfourmer lees fees des Maire et Conſtables en autre Eſtaple, la ou lez iiij d. ne voillent a ceo ſuffire et ſi riens demorrent en lez ditez boiſtes apres lez fees payes, ſoit cel ſoume reſidue ſalve a comune profit dez merchauntz de leſtaple por lan avenir, et pur paier pur les poiſes faites de novell et auxint pur paiements au autres choſes neceſſaires touchantes leſtaples. Et quant qe eſt leve en toutz places ou leſtaples ſount outre le dit ſoume de iiij d. al ſake puis le dit Goule Dauguſt darren paſſe ſoit rebaille & reſtitut a loeps avauntdit. Et lez fees de Mair & Conſtables ſont ordonnez & limites en la fourme qe ſenſuit. Scilicet. Le Mair de leſtaple a Weſtm' prendra C. li' & cheſcune Conſtable illoeqs xx * marks Mair de Nicholle xl marks & cheſcune Conſtable illoeqes x marcz Mair Deverwycke Kyngſtoun ſur Hull Norwich & Wynceſtre chacune xx li' & chacune Conſtable de ditz places C. s. lez Mairs de Noef Caſtell ſur Tyne Ciceſtre & Dexceſtre cheſcune x li' & cheſcun

* xx Livres. Raſt.

Conſtable

MS. Reg.

Conſtable de ces places v marcz. Et ſi null des Mairs & Conſtables ſuſnomes apres ceo qil ſoit eſſuz per les merchauntes deſtre Mair ou Conſtable, refuſe le office, paie a la Compaigne a tant come ſon fee amonteroit per An. Et proclamation de ceo ſoit fait per my Engl' le vi jour de Novembre lan xxvij.

Statutes made at Weſtminſter, Anno 28 EDW. III. *and* Anno Dom. 1354.

Ex Rot. in Turr. Lond. *m.* 14.

NOSTRE Seignur le Roi a ſon parlement tenuz a Weymonſter le Lundy proſchein apres la feſte de Seint Marc Lewangeliſt lan de ſon regne dEngleterre vint et oetiſme et de France quinziſme a lonour de Dieu et de Seinte egliſe et pur commune profit de lui et de ſon poeple de laſſent dez Prelatz Princes Ducs Contes Barons et la Communalte de ſon Roialme illoeqes aſſemblez ad ordene et eſtabli les points ſouzeſcriptz.

"OUR Lord the King, at his Parliament holden at *Weſtminſter*, the *Monday* next after the Feaſt of St. *Mark* the Evangeliſt, the Year of his Reign of *England* the Eight and twentieth, and of *France* the Fifteenth to the Honour of GOD and of holy Church, and for the common Profit of him and his People, by the Aſſent of the Prelates, the Princes, Dukes, Earls, Barons, and the Commons of this Realm there aſſembled, hath ordained and eſtabliſhed the Points under-written."

CAP. I.

A Confirmation of all Statutes before made and uſed.

PRemerement qe la Grant Chartre et la Chartre de la Foreſte et touz autres eſtatuz avant ces heures faitz et uſez ſoient gardez et meintenuz en touz pointz.

'FIRST, That the Great Charter, and the Charter of the Foreſt, and all other Statutes before this Time made and uſed, be kept and maintained in all Points.'

CAP. II.

Lords of the Marches of *Wales* ſhall be attendant to the Crown of *England*, and not to the Principality of *Wales*.

ITEM acorde eſt et eſtabli qe touz les Seignurs de la Marches de Gales ſoient perpetuelement entendantz et annexes a la corone dEngleterre come ils et leur aunceſtres ount eſte de tout temps avant ces heures et noun pas a la Principalte de Gales en qi mains qe meiſme la Principalte ſoit ou devendra apres ſes heures.

'ITEM it is accorded and eſtabliſhed, That all the Lords of the Marches of *Wales* ſhall be perpetually attending and annexed to the Crown of *England*, as they and their Anceſtors have been all Times paſt, and not to the Principality of *Wales*, in whoſe Hands ſoever the ſame Principality be, or hereafter ſhall come.'

CAP. III.

No Perſon ſhall be condemned without his Anſwer.

ITEM qe nul homme de quel eſtate ou condition qil ſoit ne ſoit oſte de terre ne de tenement ne pris nemptiſone ne deſherite ne mis a la mort ſaunz eſtre meſne en reſpons par due proces de lei.

'ITEM, That no Man of what Eſtate or Condition that he be, ſhall be put out of Land or Tenement, nor taken nor impriſoned, nor diſinherited, nor put to Death, without being brought in Anſwer by due Proceſs of the Law.'

3 Bulſtr. 47. 9 H. 3. ſtat. 1. c. 29. 5 Ed. 3. c. 9. 14 *Ed.* 3. *ſtat.* 1. c. 14. 25 Ed. 3. ſtat. 5. c. 4. *Enforced by* 16 Car. 1. c. 10. *which regulates the Privy Council, and takes away the Star Chamber.*

CAP. IV.

How the King ſhall be anſwered the meſne Rates of Lands coming to him by his Tenant's Death.

ITEM pur ce qe eſchetours et autres miniſtres le Roi qe ount fait livere e par mandement du Roi de ſa Chancellerie des terres et tenemenz qe eſtoient pris en la main le Roi par la mort des tenantz qi tindrent de lui a les heirs et autres as queux les ditz terres et tenemenz deveroient deſcendre revertir ou remaindre ount eſte chargez en leſcheqer des fermes et des rentes dount les termes des paiementz eſtoient avenir apres la liveree faite per la rate et lafferant du temps qe meiſmes les terres ou tenemenz eſtoient en la main le Roi Acorde eſt qe des manoirs citees burghs villes hundredes franchiſes & totes autres

O B. 12 Car. 2. c. 24.

Ex Rot. in Turr. Lond.

tres terres et tenemenz dount profitz ſourdent de temps en temps parmi lan come de molins herbage tolune plees et purchaces de court et autres tieux iſſues et profitz cheſcun eſchetour et autre miniſtre qi tieux terres et tenemenz averont ſeiſiz al oeps le Roi ſoit tenuz de reſpondre au Roi pur la rate et laſſerant du temps ſolonc launcien cours le Leſcheqer. Et qe daunciens fermes et rentes qe ſont a paier as certeines termes come rente ſec et rent ſervice dount nul profit ſourde tanqe au jour du paiement ſoient tieles fermes et rentes paiez a ceux qi ent ount la liveree hors de la main le Roi as termes des paiementz des dites fermes et rentes qe enſuent apres tiele liveree faite ſibien de temps paſſe come de temps avenir.

CAP. V.

No Iron ſhall be carried forth of the Realm.

By 5 W. & M. c. 17. Iron may be freely exported.

'ITEM it is accorded and eſtabliſhed, That Iron made in *England*, and Iron brought into *England*, and there ſold, ſhall not be carried out of the ſaid Realm of *England*, upon Pain of forfeiting the double to the King; and the Juſtices aſſigned to enquire of Labourers, and the other Juſtices whom the King will thereto aſſign, ſhall have Power to enquire of them that ſell the Iron at too dear a Price, and to puniſh them after the Quantity of the Treſpaſs.'

ITEM acorde eſt et eſtabli qe feer fait en Engleterre et feer meſne en Engleterre et alloeqes vendu ne ſoit meſne hors du Roialme dEngleterre ſur peine de forfaire le double devers le Roi et eient les Juſtices aſſignez denquere de laborers et autres Juſtices queux le Roi vodra a ce aſſigner poer denquere de ceux qi vendent le feer a trop cher pris et de les punir ſolonc la quantite de treſpas.

CAP. VI.

Who ſhall be Coroners, and by whom and where they ſhall be choſen.

'ITEM it is ordained and accorded, That all Coroners of the Counties ſhall be choſen in the full Counties, by the Commons of the ſame Counties, of the moſt meet and moſt lawful People that ſhall be found in the ſaid Counties to execute the ſaid Office; ſaved always to the King and other Lords which ought to make ſuch Coroners, their Seigniories and Franchiſes.'

ITEM ordene eſt et eſtabli qe touz coroners des countees ſoient eſluz en pleins contees par les communes de meiſmes les contees de plus covenables et plus loialx gentz qe ſerront trovez es ditz contees affaire le dit office Sauve totes foitz au Roi et as autres Seignurs qe tieux coroners deivent faire leur Seignories et franchiſes.

3 Ed. 1. c. 10. Raſt. 133. 1 H. 8. c. 7. 1 & 2 P. & M. c. 13. *ſec.* 5. *and* 25 *Geo.* 2. *c.* 29. *concerning Coroners and their Duty. See* 3 H. 7. *c.* 1.

CAP. VII.

No Sheriff ſhall continue his Office above one Year.

'ITEM it is ordained and eſtabliſhed, That the Sheriffs of the Counties ſhall be removed every Year out of their Offices, ſo that no Sheriff that hath been in his Office by a Year ſhall abide in the ſame Office the Year next following; and that no Commiſſion be made to him thereof, or renewed for the ſame Year following.'

ITEM ordene eſt et eſtabli qe les viſcontez des contees ſoient remuez cheſcun an hors de leur offices Iſſint qe nul viſcont qad eſte en ſon office par un an demoerge en meiſme loffice lan proſchein enſuant et qe nulle commiſſion lui ent ſoit faite ou renovele pur meiſme lan ſuant.

14 Ed. 3. ſtat. 1. c. 7. 42 Ed. 3. c. 9. 23 H. 6. c. 7. *See Index, tit.* Sheriffs.

CAP. VIII.

An Attaint ſhall be granted as well upon a Bill as upon a Writ of Treſpaſs.

'ITEM it is accorded, That the Writ of Attaint ſhall be granted from henceforth as well upon a Bill of Treſpaſs, as upon a Writ of Treſpaſs, of Inqueſts which be to be taken in Time to come without having Regard to the Quantity of the Damages.'

ITEM acorde eſt et eſtabli qe brief datteint ſoit grante deſore ſibien ſur bille de Treſpas come ſur brief de Treſpas des Enqueſtes qe ſont a prendre en temps avenir ſaunz avoir regard au quantite des damages.

3 Ed. 1. c. 38. 1 Ed. 3. ſtat. 1. c. 6. 5 Ed. 3. c. 6, 7. 34 Ed. 3. c. 7. Raſt. 84, &c. *And ſee Index, tit.* Attaint.

CAP. IX.

No Writ ſhall be directed to a Sheriff to charge an Inqueſt to indict any.

'ITEM, Becauſe that the People of the Realm have ſuffered many Evils and Miſchiefs, for that Sheriffs of divers Counties, by virtue of Commiſſions and general Writs granted to them at their own

ITEM pur ce qe le poeple du Roialme ad ſuffert pluſeurs malx et meſchiefs de ce qe viſcontes de diverſes contees par vertue des commiſſions et briefs generals a eux grantez a leur ſeute demeſne pur

9 H. 3. *ſtat.* 1. c. 26. 3 *Ed.* 1. c. 11. 6 *Ed.* 1. *ſtat.* 1. c. 9. 13 *Ed.* 1. *ſtat.* 1. c. 29. *and* 28 *Ed.* 3. c. 9.

Ex Rot. in Turr. Lond.

pur leur ſinguler profit de gaigner du poeple ount fait et pris diverſes enqueſtes de faire enditer les gentz a leur volunte et ount pris fins et raunceons de eux a leur oeps demeſne et les ount delivres ſaunz ce qe tieux enditez feuſſent meſnez devant les Juſtices le Roi pur leur deliverance avoir Acorde eſt et eſtabli pur tieux malx et meſchiefs eſchure qe touz tieux commiſſions et briefs avant ces heures faitz ſoient outrement repellez et qe defore nulles tieux commiſſions ne briefs ſoient grantez.

" Suit for their ſingular Profit to gain of the People, " have made and taken divers Inqueſts to cauſe to in- " dict the People at their Will, and have taken Fine " and Ranſom of them to their own Uſe, and have de- " livered them, whereas ſuch Perſons indicted were " not brought before the King's Juſtices to have their " Deliverance;" ' it is accorded and eſtabliſhed, ' for to eſchew all ſuch Evils and Miſchiefs, That all ' ſuch Commiſſions and Writs before this Time made, ' ſhall be utterly repealed, and that from henceforth no Cro. El. 372. ' ſuch Commiſſions nor Writs ſhall be granted.'

CAP. X.

The Penalty of the Mayor, Sheriffs, &c. of *London*, if they do not redreſs Errors and Miſpriſions there; and in what Counties the Trial thereof ſhall be.

ITEM pur ce qe les errours defautes & meſpriſions qe ſont notoirement uſez en la Cite de Londres pur defaute de bone government du Meire des viſcontes & des Aldermans ne purront eſtre enquis ne trovez par gentz de meiſme la Cite Ordene eſt & eſtabli qe les ditz Meire viſcontes & Aldermans qe ount le government de la dite Cite facent redreſcer & corriger les defautes errours & meſpriſions ſuſnomez & les duement punir de temps en temps ſur certeine peine ceſt aſſavoir au primer defaut mille marcs au Roi & a la ſeconde defaut deux mille marcs & a la tierce defaut qe la franchiſe de la Cite ſoit pris en la main le Roi. Et ſoit comence denquere ſur eux a la Seint Michel proſchein avenir iſſint qe fils ne facent dues redreſce mentz come deſus eſt dit ſoit enquis de leur defautes par enqueſtes de gentz de foreins contees ceſt aſſavoir de Kent Eſſex Suſſez Hertford' Buk' & Berk' ſibien a la ſeute le Roi come dautres qi pleindre ſe vodront.

Et ſi les Meire viſcontes & Aldermans ſoient par tieux enqueſtes endites ſoient faitz venir par due proces devant les Juſtices le Roi qi ſerront a ce aſſignez dehors la dite Cite devant queux ils eient leur reſpons ſibien au Roi come a la partie. Et ſils ſe mettent en enqueſtes ſoient celles enqueſtes pris par gentz foreins come deſus eſt dit. Et ſils ſoient atteintz ſoit la dite peine encurru & leve des ditz Meire viſcontes & Aldermans pur defaute de leur governement & nientmeinz les pleintifs recoverent leur damages au treble vers les ditz Meire viſcontes & Aldermans. Et par cauſe qe les viſcontes de Londres ſont parties a ceſte buſoigne ſoit le Coneſtable de la Tour ou ſon lieutenant miniſtre en lieu des viſcontes a receivre les briefs ſibien originals de la Chancellerie come judicials ſouz les ſealx des Juſtices affaire ent execution en la dite Cite. Et ſoit proces fait par attachementz & par deſtreſces & par ex gende ſi meſtiere ſoit Iſſint qe a la ſeute le Roi ſoit lexigende agarde apres le primer Capias retourne & a le tierce Capias retourne a ſeute de partie. Et ſi les Meire viſcontz & Aldermans eient terres ou tenemenz dehors la Cite ſoit proces fait devers eux par attachement & deſtreſces en meiſmes les contees ou les terres & tenemenz ſont. Et qe cheſcun des ditz Meire viſcontz & Aldermans qe vendra devant les dites Juſtices reſpoigne ſingulere-

" ITEM, Becauſe that the Errors, Defaults, and " Miſpriſions which be notoriouſly uſed in the City " of *London* for Default of good Governance of the " Mayor, of the Sheriffs, and the Aldermen, cannot " be enquired nor found by People of the ſame City;"

The Penalty of the Mayor, Sheriffs, &c. of London, which do not redreſs Errors and Miſpriſions there.

' it is ordained and eſtabliſhed, That the ſaid ' Mayor, Sheriffs, and Aldermen, which have the ' Governance of the ſame City, ſhall cauſe to be re- ' dreſſed and corrected the Defaults, Errors, and Miſ- ' priſions above named, and the ſame duly puniſh from ' time to time upon a certain Pain; that is to ſay, At ' the firſt Default a thouſand Marks to the King, and ' at the ſecond Default two thouſand Marks, and at ' the third Default that the Franchiſe and Liberty of ' the City be taken into the King's Hand. And ' be it begun to enquire upon them at St. *Michael* next ' coming, ſo that if they do not cauſe to be made due ' Redreſs as afore is ſaid, it ſhall be enquired of their ' Defaults by Inqueſts of People of foreign Counties, ' that is to ſay, Of *Kent*, *Eſſex*, *Suſſex*, *Hertford*, *Buck- ingham*, and *Berks*, as well at the King's Suit as ' others that will complain.

The Trial of the Defaults of the Mayor, &c. of London, touching Government, ſhall be by Inqueſt of foreign Counties.

' II. And if the Mayor, Sheriffs, and Aldermen ' be by ſuch Inqueſts, indicted, they ſhall be cauſed ' to come by due Proceſs before the King's Juſtices, ' which ſhall be to the ſame aſſigned out of the ' ſaid City, before whom they ſhall have their An- ' ſwer, as well to the King as to the Party. And if ' they put them in Inqueſts, the ſame Inqueſts ſhall ' be taken by foreign People, as afore is ſaid. And ' if they be attainted, the ſaid Pain ſhall incur and ' be levied of the ſaid Mayor, Sheriffs, and Alder- ' men, for Default of their Governance; and never- ' theleſs the Plaintiffs ſhall recover the treble Da- ' mages againſt the ſaid Mayor, Sheriffs, and Alder- ' men. And becauſe that the Sheriffs of *London* be ' Parties to this Buſineſs, the Conſtable of the *Tower*, ' or his Lieutenant, ſhall ſerve in the Place of the ' Sheriffs, to receive the Writs, as well Originals of ' the Chancery as Judicials, under the Seal of the ' Juſtices, to do thereof Execution in the ſaid City. ' And Proceſs ſhall be made by Attachment and Di- ' ſtreſs, and by Exigent, if Need be; ſo that at the ' King's Suit the Exigent ſhall be awarded after the ' firſt *Capias* returned, and at the third *Capias* return- ' ed at the Suit of the Party. And if the Mayor, ' Sheriffs, and Aldermen have Lands or Tenements ' out of the City, Proceſs ſhall be made againſt them ' by Attachments and Diſtreſſes in the ſame Counties

The Conſtable or Lieutenant of the Tower ſhall receive and execute the King's Writs.

What Proceſs ſhall be awarded in this Suit.

' where

Ex Rot. in Turr. Lond.

'where the Lands or Tenements be. And that every of the ſaid Mayor, Sheriffs, and Aldermen which do appear before the ſaid Juſtices, ſhall anſwer particularly for himſelf, as well at the Peril of other which be abſent, as of himſelf. And this Ordinance ſhall be holden firm and ſtable, notwithſtanding any Manner of Franchiſe, Privileges, or Cuſtoms. And this Ordinance ſhall extend to all Cities and Boroughs of the Realm where ſuch Defaults or Miſpriſions be uſed, and not duly corrected nor redreſſed; ſaving that the Inqueſts ſhall be taken by foreign People of the ſame County where ſuch Cities or Boroughs be: And that the Pain of thoſe of the ſaid Boroughs and Towns, which ſhall be thereof attainted, ſhall be judged by the Diſcretion of the Juſtices which ſhall be thereto aſſigned.'

ment pur lui meiſmes ſibien au peril des autres qi ſont abſentz come de lui meſmes. Et ceſte ordenance ſoint tenue ferme & eſtable nient contreeſteant franchiſe privilege ou cuſtumes queconqes. Et ſe extend ceſte ordenance as autres citees & burghs du Roialme ou tieux defautes & meſpriſions ſont uſez et nemie duement corrigez ne redreſcez ſauve qe les enqueſts ſoient priſes par gentz foreins de meiſme le contee ou tieles citees & burghs ſont et qe la peine de ceux des citees burghs et villes qe de ce ſerront atteintz ſoit ajugge par deſcretion des Juſtices qe a ce ſerront aſſignez.

This Ordinance provided for London ſhall extend to all Cities and Boroughs.
Enforced by 1 H. 4. c. 15. *in Part.*
31 Ed. 3. ſtat. 1, c. 10.
Explained by 17 R. 2. c. 12.

CAP. XI.

Freſh Suit and Huy and Cry ſhall be made after Robbers from Country to Country.

"ITEM, Becauſe that great Clamour and grievous Complaints be made, as well by Aliens as by Denizens, that Merchants and other paſſing through the Realm of *England* with their Merchandiſes and other Goods, be ſlain and robbed, and namely now more than they were wont, whereof Remedy hath not been made to the Complaints;" 'Our Lord the King, conſidering the Profit which may come to the ſaid Realm by coming and abiding of the ſaid Merchants Aliens in the ſame Realm, and the Damage and Miſchief which to them and other is done daily by ſuch Manſlaughters and Robberies, and willing to provide for the Surety and Indempnity of Merchants and other aforeſaid, hath ordained and eſtabliſhed, by the Aſſent of all his Parliament, to the Intent that Merchants Aliens ſhall have the greater Will and Courage to come into the ſaid Realm of *England*, and that Remedy from henceforth be ſpeedily made to ſuch Merchants and other robbed, according to the Form contained in the Statute late made at *Wincheſter*; that is to ſay, that ſolemn Cry be made in all Counties, Hundreds, Markets, Fairs, and all other Places, where ſolemn Aſſembly of the People ſhall be, ſo that none by Ignorance ſhall excuſe him, that every Country from henceforth be ſo kept, that immediately after Felonies and Robberies done, freſh Suit be made from Town to Town, and from Country to Country, and Inqueſt, if Need be, ſhall be alſo taken in the Towns by him which is Sovereign of the Town, and after in Hundreds, Franchiſes, and in the County, and ſometime in two, three, or four Counties, in caſe when Felonies ſhall be done in the Marches of the Counties, ſo that the Offenders may be attainted. And if the Country do not anſwer of ſuch Offenders, the Pain ſhall be ſuch, that every Country, that is to ſay, the People dwelling in the Country, ſhall anſwer of the Robberies done, and of the Damages; ſo that all the Hundred where the Robbery ſhall be done, or the Franchiſes which be within the Precinct of the ſame Hundred, ſhall anſwer of the Robbery done; and if the Robbery be done in the Diviſion of two Hundreds, both Hundreds ſhall anſwer together with the Franchiſes. And longer Term ſhall not the Country have after the Robbery or Felony done, than Forty Days, within which them behoveth to make Gree of the Robbery, or of the Offence, or that they anſwer of the Bodies of the Offenders.

ITEM pur ce qe grant clamour et grevouſes pleintes ſont faitz ſi bien par aliens come par denzeins qe marchantz & autres paſſantz parmi le Roialme dEngleterre od leur marchandiſes & autres biens ſont tuez & derobbez & nieement ore plus qils ne ſoleient dount remedie nad eſte fait as compleignantz noſtre Seignur le Roi conſiderant le profit qe purra avenir au dit Roialme par venue & demoere des marchantz aliens en meiſme le Roialme & les damages & meſchiefs qe a eux & autres ſont faitz de jour en autre par tieux homicides & robberies & veullant purvoire a la ſeurte & indempnite des marchantz & autres ſuſditz ad ordene et eſtabli par aſſent de tout ſon parlement au fin qe marchantz aliens eient greindre volunte & corage de venir en le dit Roialme dEngleterre qe remedie ſoit deſore fait haſtivement as tieux marchantz & autres iſſint derobbez ſolonc la forme contenue en leſtatut nadgairs fait a Wynceſtre ceſt aſſavoir qe ſolempnement crie ſoit fait en toutz contees hundredes marchees feires & toutz autres lieux ou ſolempne aſſemblee de gentz ſerra Iſſint qe nul par ignorance ſe puſſe excuſer qe cheſcune pais iſſint deſoremes ſoit garde qe meintenant apres robberies & felonies faites ſoit fait freſhe ſeute de ville en ville & de pais en pais & enqueſtes ſoient auxint ſi meſtiere ſoit p. ſes en villes par celui qe eſt ſovereign de la ville & puis en hundredes franchiſes & en contees & aſcune foitz en deux trois ou quatre contees en cas quant felonies ſerront faites en marches des contes. Iſſint qe meffeſours puſſent eſtre atteintz. Et ſi le pais de tieu manere de meffeſours ne reſpoigne la peine ſerra tiele qe cheſcune pais ceſt aſſavoir gentz en pais demorantz reſpoignent des robberies faites & des damages iſſint qe tout le hundred ou la robberie ſerra faite ove les franchiſes qe ſont deinz la purceinte de meiſme le hundred reſpoignent de la robberie faite & ſi la robberie ſoi faite en diviſes de deux hundredes reſpoignent ambedeux les hundredes enſemblement od les franchiſes. Et plus long terme navera le pais apres la robberie faite ou felonie qe quarant jours deinz les queux il covient qils facent gre de la robberie ou del meffait ou qils reſpoignent des corps de meffeſours.

3 *Ed.* 1. *c.* 9.
13 Ed. 1. ſtat. 2. c. 1, 2, & 6.
7 *R.* 2. *c.* 6.

The Penalty of the Country, if Robbers offending therein be not taken within Forty Days.

Altered by 27 El. c. 13. 39 *El.* c. 25. *See* 8 *Geo.* 2. *c.* 16. *giving Directions for Purſuit of Hue and Cry; and* 22 *Geo.* 2. *c.* 24. *which amends the former.*

CAP.

CAP. XII.

Within what Time Purveyances made for the King's Houſe ſhall be paid for. O B.

Ex Rot. in Turr. Lond.

CAP. XIII.

The Warranty of Packing of Wooll ſhall be put out. An Inqueſt ſhall be *de Medietate Linguæ*, where an Alien is Party.

ENſement acorde eſt et eſtabli qe totes les ordenances faites en grant conſeil tenuz a Weſtmonſtre le Lundy proſchein apres la feſte de Seint Matheu Lapoſtle darrein paſſe enſemblement ove aſcunes declarations et ajouſtances faites en ceſte preſent parlement ſoient fermement gardez et tenuz pur eſtatut a durer a touz jours queles declarations et ajouſtances ſenſuent en ceſte manere come contenue ſoit en les dites ordenances qe cheſcun marchant qe vend ſes leines a leſtaple ſoit tenuz de garanter lempakkure de meiſmes les leines et qe ſi ple ou debate ſoit meu devant le meire de leſtaple entre les marchantz ou miniſtres dycelle et ſur ce pur trier ent la verite enqueſte ou proeve ſoit a prendre ſi lune partie et lautre ſoit eſtrange ſoit trie par eſtranges et ſi lune partie et lautre ſoit denzein ſoit trie par denzeins et ſi lune partie ſoit denzeine et lautre aliene ſoit lune moite del enqueſte ou del prove de denzeins et lautre moite des aliens. Et auſſint qe nul marchant prive ne eſtrange nautre de quele condition qil ſoit aille par terre ne par ewe dencontrer vins merces nautres marchandiſes venantz en la Roialme dEngleterre nen autres terres du Roi en meer naillours pur les forſtaller achater ou en autre manere arrer avant qils viegnent a leſtaple ou au port ou ils ſerront diſchargez ne entre les niefs pur tiele cauſe tanqe les marchandiſes ſoient miſes a la terre pur vendre Acorde eſt & eſtabli qe la garrantie dempakkure de laines pur diverſes meſchiefs qe la communalte en ad ſentu ſoit de tout ouſte & qe nul homme ſoit tenuz affaire tiele garrantie ſil ne ſoit par covenant taille par fait enſele. Et auſſint qe nul homme autre qe marchant denzein ou alien qe ne conuſt les leis & uſages de leſtaple uſez par aillours devant qe les dites ordenances de leſtaple eſtoient faites ſoit chargee par meiſmes les leis & uſages tanqe els ſoient declarrez en parlement.

Et qe en tete manere denqueſtes & proeves qe ſont a prendre ou affaire entre aliens & denzeins ſoient ils marchantz ou autres ſibien devant le meire de leſtaple come devant queconqe autres Juges ou miniſtres tout ſoit le Roi partie ſoit la moite del enqueſt ou del prove de denzeins & lautre moite des aliens ſi tantz des aliens ſoient en la ville ou lieu ou tiele enqueſte ou prove ſoit apprendre qe ne ſoient mie parties ne od les parties en contractes plees ou autres quereles dount tieles enqueſtes ou proves deivent eſtre pris et ſi tantz des aliens ne y ſoient point adonqes ſoient mis en tieux enqueſtes & proeves tantz des aliens come ſerront trovez en meiſmes les villes ou lieux qe a ce ne ſoient pas parties ne od les parties come devant eſt dit & le remanant de denzeins qe ſoient prodes hommes & nient ſuſpecionouſes a lune partie ne a lautre.

'ITEM it is accorded and eſtabliſhed,' That all the Ordinances made in the great Council holden at *Weſtminſter*, the *Monday* next after the Feaſt of Saint *Matthew* the Apoſtle laſt paſt, together with certain Declarations and Additions made in this preſent Parliament, be firmly kept and holden for a Statute to endure for ever, which Declarations and Additions do follow in this Manner:' "Whereas it is contained in the ſaid Ordinances, That every Merchant that ſelleth his Woolls at the Staple, ſhall be bound to warrant the packing of the ſame Woolls; and if a Plea or Debate be moved before the Mayor of the Staple, betwixt the Merchants or Miniſters of the ſame, and thereupon to try the Truth thereof an Inqueſt or Proof ſhall be taken, then if both Parties be Aliens, it ſhall be tried by Aliens; and if both Parties be Denizens, it ſhall be tried by Denizens; but if the one Party be Denizen, and the other Alien, half of the Inqueſt or of the Proof ſhall be of Denizens, and the other half of Aliens. And alſo that no Merchant, Privy nor Stranger, nor other of what Condition that he be, ſhall go by Land nor by Water to meet ſuch Ships charged with Wines, Wares, or other Merchandiſes coming into the Realm of *England*, nor other Lands of the King's in the Sea, or elſewhere, for to foreſtall, buy, or in other Manner giving them Earneſt before that they come to the Staple, or to the Port where they ſhall be diſcharged, nor enter the Ships for ſuch Cauſe till the Merchandiſes be ſet to Land for to ſell:" 'It is accorded and eſtabliſhed, That the Warranty of packing of Wools, for divers Miſchiefs which the Commons have thereof perceived, ſhall wholly be out; and that no Man be holden to make ſuch Warranty, unleſs it be by Covenant made by Deed enſealed. Alſo that no Man, other than a Merchant Denizen or Alien, that knoweth the Laws and Uſages of the Staple, uſed before that the ſaid Ordinances of the Staple were made, ſhall be charged by the ſame Laws and Uſages till they be declared in Parliament.' 27 Ed. 3. ſtat. 2. c. 3. 27 Ed. 3. ſtat. 2. c. 8.

'II. And that in all Manner of Inqueſts and Proofs which be to be taken or made amongſt Aliens and Denizens, be they Merchants or other, as well before the Mayor of the Staple as before any other Juſtices or Miniſters, although the King be Party, the one half of the Inqueſts or Proof ſhall be Denizens, and the other half of Aliens, if ſo many Aliens and Foreigners be in the Town or Place where ſuch Inqueſt or Proof is to be taken, that be not Parties, nor with the Parties in Contracts, Pleas, or other Quarrels, whereof ſuch Inqueſts or Proofs ought to be taken; and if there be not ſo many Aliens, then ſhall there be put in ſuch Inqueſts or Proofs as many Aliens as ſhall be found in the ſame Towns or Places which be not thereto Parties, nor with the Parties, as afore is ſaid, and the Remnant of Denizens, which be good Men, and not ſuſpicious to the one Party nor to the other.' *Confirmed by* 8 H. 6. c. 29. 27 Ed. 3. ſtat. 2. c. 8. Dyer, 144. 3 Ed. 4. f. 11. 27 H. 6. f. 4. Fitz. Trial, 30, 32, 71. Bro Denizen, 1. 12.

'III. And

None shall forestall Merchandises coming towards this Realm.

'III. And that no Manner of Ship, which is fraught towards *England* or elsewhere, be compelled to come to any Port of *England*, nor here to abide, against the Will of the Masters and Mariners of the same, or of the Merchants whose the Goods be: And if such Ships come of their own good Will, or be driven by Tempests, or other Misfortune or Mischief, to any Port of *England*, and the Masters, Mariners, or Merchants of the same Ships will sell or deliver Part of their Merchandises with their good Will, it shall be lawful for every Man to buy such Merchandises freely without Impeachment in the Port where such Ships shall come, albeit the said Merchandises be not put to land to sell; so always, that no Merchant nor other shall go by Land nor by Water to meet such Ships charged with Merchandises, to forestall the same Merchandises, or to give them Earnest by Way of forestalling, upon the Pains contained in the third Article of the said Ordinances; so that the Masters, Mariners, and Merchants, after that they have sold that which pleaseth them of their said Goods, and paid thereof the Custom, may freely depart, and go with their Ships and all the remnant of their Goods whither it shall please them, without Custom thereof to be paid: And that none, of what condition that he be, by Art or Engine, shall disturb any Ship charged with Merchandises to come to any Port of *England*, but to the Port where the Masters, Mariners, and Merchants will first of their free Will arrive; nor, after they have arrived, shall meddle with the Sale of the same Merchandises, nor disturb the Merchants nor their Servants, that they may not themselves by their own Hands, according as to them best shall seem for their Profit, sell and deliver their Merchandises at what Time and to whom it shall them best please; And if any set Disturbance, he shall incur a grievous Forfeiture to the King according to the Quantity of the Trespass.'

No Foreigners Ships shall be compelled to arrive in England, or to tarry there. *Confirmed by* 20 R. 2. c. 4.

Ex Rot. in Turr. Lond.

Et qe nulle manere de nief qe soit frette devers Engleterre ou aillours soit arcte de venir a nul port dEngleterre ne y demorer contre le gre des meistres & mariners dycelle ou des marchantz as queux les biens sont et si tieux niefs viegnent de gree ou soient chacez par tempest ou autre infortune ou meschief a ascun port dEngleterre et les meistres mariners ou marchantz de meismes les niefs veullent vendre & deliverer partie de leur marchandises par leur bone volunte bien lise a chescuny tieles marchandises achater franchement saunz empeschement en le port ou tieles niefs vendront tout ne soient les marchandises mises a la terre pur vendre Iffint totes foitz qe nul marchant nautre ne voise par terre ne par ewe dencontrer tieles niefs chargez de marchandises de forstaller meismes les marchandises ou de les arrer par voie de forstallerie sur les peines contenues en la tierce article des dites ordenances Si qe les meistres mariners & marchantz apres ce qils averont iffint vendu ce qe leur plerra de leur ditz biens & paie ent la custume pussent franchement departir & aler ove leur niefs & tout le remanant de leur bien par la ou leur plerre saunz custume ent paier & qe nul de quele condition qil soit par art ne par engyn ne face ne mette destourbance a nulle nif chargee de marchandie de venir a nul port dEngleterre forsqe au port ou le meistres mariners & marchantz veullent premerement de gre ariver ne apres ce qils ferront arrivez se melle de la vente de meismes les marchandises ne ne destourbe les marchantz ne leur servantz qils ne pussent meismes par leur mains propres selonc ce qe meultz leur semblera pur leur profit demesne vendre & deliverer leur marchandises a quele heure et as queux qe meultz leur plerra & si nul y mette destourbance encourge gref forfaiture devers le Roi solonc la quantite du trespas.

CAP. XIV.

Upon which Days Wooll may be shewed in the Staple, and in which not.

O B.

CAP. XV.

O B. The Bounds of every Staple, and how far they shall extend.

Statutes made at Westminster, Anno 31 EDW. III. *Stat.* 1. *and* Anno Dom. 1357.

"TO the honour of GOD and holy Church, it is accorded by our Lord the King, the Prelates, Earls Barons, and all the Commonalty of the said Realm of *England*, in the Parliament holden at *Westminster* the *Monday* next after the Week of *Easter*, the Year of the Reign of our Lord King EDWARD of *England* the one and thirtieth, and of *France* the xviii."

Ex Rot. in Turr. Lond. *m.* 13.

AL honeur de Dieu & de seinte eglise si est acorde par nostre Seignur le Roi Prelatz Countes Barons & tote la communalte du Roialme dEngleterre en cest present parlement tenuz a Westm' le Lundy proschein apres la symayne du Pasqe lan du regne nostre dit Seignur le Roi EDWARD dEngleterre trent & primer & de France disoitisme.

CAP.

CAP. I.

A Confirmation of the Great Charter and the Charter of the Foreſt.

Ex Rot. in Turr. Lond.

EN primes qe la Grante Chartre & la Chartre de la Foreſte ſoient fermement gardez tenuz uſez & executz en touz pointz.

'FIRST, That the Great Charter and the Charter of the Foreſt be firmly kept, holden, uſed, and executed in all Points.'

CAP. II.

No Wooll ſhall be bought by Fraud to abate the Price thereof. Weights ſhall be ſent to all Shires.

ITEM come a la gref compleinte de la communalte du Roialme dEngleterre ſoit monſtre qe les marchauntz qi achatent laines en feyres & marchez & aillours par covyne & conſent entre eux abbeſſent le pris de laynes & uſent autre pois qe neſt ordine par eſtatut devant ces heures en arreriſſement du poeple Si eſt acorde & eſtabli qe proclamation ſoit faite par tote le Roialme qe nul marchaunt face tiele covyne ſur gref forfaiture et ſi nul face a lencontre apres la proclamation faite le Roi aſſignera ſes Juſtices denquere a ſuyte de partie de touz qi ſont tiele covyne & doier & terminer pur le Roi & pur la partie. Et qe certeines balaunces & pois de ſac dimy ſac & quarter livre dimy livre & quarteron acordaunt a leſtandard de Leſcheqier ſoient mandez as touz viſcontz dEngleterre entre cy a la nativite Seint Johan proſchein avenir Iſſint qils receues les dites balances & pois facent proclamation par touz lour counteez qe cheſcun qi voudra aver tieu balances & pois vieigne au viſcont devant le Seint Michel de faire lour balances & pois acordantz au dit eſtandard a lour couſtages ſaunz rien doner au viſconte pur laſſay en lenſample des dites balances & pois aver & qe deſadonqes nul ne vende nachate par autre pois & ſi nul face a lencountre ſoit puny par fyn a la volente le Roi.

"ITEM, Whereas at the grievous Complaint of "the Commons of the Realm of *England*, it was "ſhewed, that the Merchants which buy Wooll in "Fairs and Markets, and other Places, by Covin and "Conſent betwixt them, do abate the Price of Woolls, "and uſe other Weight than is ordained by the Sta-"tute before this Time, in Annoyance of the Peo-"ple;" 'it is accorded and eſtabliſhed, That Proclamation be made through the Realm, that no Merchant do ſuch Covin, upon a grievous Forfeiture: And if any do againſt the ſame after the Proclamation, the King ſhall aſſign his Juſtices to enquire at the Suit of the Party of all that do ſuch Covin, and to hear and determine for the King and for the Party. And that certain Balances and Weights of Sack, half Sack, and Quarter, Pound, half Pound, and Quarter, according to the Standard of the Exchequer, be ſent to all Sheriffs of *England*, betwixt this and the Nativity of St. *John* next coming, ſo that they (ſuch Balances and Weights received) ſhall make open Proclamation thro' all their Counties, that every Man that will have ſuch Balances and Weights, ſhall come to the Sheriff before *Michaelmas*, to make their Balances and Weights according to the ſaid Standard at their Coſts, without any thing given to the Sheriff for to have Aſſay or Example of the ſaid Balances and Weights; and that from henceforth none ſhall ſell nor buy by other Weight; and if any do againſt the ſame, he ſhall be puniſhed by Fine at the King's Will.'

Enforced and amended by 10 *R.* 2. *c.* 9. 15 *R.* 2. *c.* 4. 11 *H.* 7. *c.* 4. 12 *H.* 7. *c.* 5. 26 *Car.* 1. *c.* 19. *and* 22 *Car.* 2. *c.* 8.

CAP. III.

A Man charged with detaining a Felon's Goods, layeth the Fault on another.

ITEM ſi nul homme ou ville ſoit charge en Leſcheqier par eſtrete des Juſtices des chateux des futifs & de felons & voet allegger en deſcharge de lui autre qe ſoit chargeable ſoit oi & outre fait droit.

'ITEM, if any Man or Town be charged in the Exchequer by Eſtreats of the Juſtices of the Chattels of Fugitives and Felons, and will alledge in Diſcharge of him another which is chargeable, he ſhall be heard, and Right done to the other.'

CAP. IV.

Redreſſing of Extortion in Biſhops Officers in proving of Wills.

ITEM come les miniſtres des Eveſqes & autres ordinairs de ſeinte egliſe preignent du poeple grevouſes & outrageouſes fynes pur le proeve des teſtamentz & pur les acquittances ent faire le Roi ad charge Lercevеſqe de Canterbirs & les autres

"ITEM, Whereas the Miniſters of Biſhops and "other Ordinaries of holy Church, take of the "People grievous and outrageous Fine for the Probate "of Teſtaments, and for the making of Acquittances "thereof;" 'the King hath charged the Archbiſhop

Ex Rot. in Turr. Lond.

' of *Canterbury*, and the other Biſhops, that they cauſe ' the ſame to be amended; and if they do not, it is ' accorded, That the King ſhall cauſe to be inquired ' by his Juſtices of ſuch Oppreſſions and Extortions, ' to hear them and determine them, as well at the ' King's Suit, as at the Suit of the Party, as in old ' time hath been uſed.'

Enforced by 3 H. 5. c. 8. 21 H. 8. c. 5. which aſcertain the Fees to be taken.

Eveſqes qils ent mettent amendement & ſils ne facent acorde eſt qe le Roi ferre enquere par ſes Juſtices des tieux oppreſſions & extorſions & de les oier & terminer ſibien a la fuyte le Roi come de prove come auncienement ad eſte uſe.

CAP. V.

The Contents of a Tun of Wine, and the gauging thereof.

27 Ed. 3. ſtat. 1. c. 8.

" ITEM, Where it is ordained by a Statute, That " the Tuns of Wine ought to contain a certain " Number of Gallons, according to the old Gauge, " and now they be diminiſhed for Default of the " Gauger's Office evil uſed, to the great Damage of " the People;" ' it is accorded and eſtabliſhed, ' That the ſaid Statute ſhall be holden and kept in ' all Points; and moreover, if any ſell a Tun or ' Pipe of Wine not gauged, that the ſaid Seller ſhall ' forfeit the ſame Wine, or the Value to the King.'

Enforced by 1 R. 2. c. 1. 18 H. 6. c. 17. 1 R. 3. c. 13. 28 H. 8. c. 14.

ITEM come ordine ſoit par eſtatut qe les tonelx de vin duiſſent contenir certein nombre des galons ſolonc launciene gauge & ore ils ſont amenuſez per defaute del office de gauge malement uſe a grante damage du poeple Acorde eſt & aſtabli qe le dit eſtatut ſoit tenu & garde en touz pointz & outre ceo ſi nul vende tonel ou pipe de vin nient gauge qe le vendour forface meſme le vin ou le value devers le Roi.

CAP. VI.

EXP. The Lords of Franchiſes ſhall have the Fines of Labourers and Servants, *&c.* forfeited.

CAP. VII.

OB. Juſtices ſhall enquire of the Offenders of the Laws of the Staple.

CAP. VIII.

What Refuſe ſhall be made of Wooll. All Woolls, *&c.* ſhall be brought to the Staple.

What Refuſe may be made of Wooll. 13 R. 2. ſtat. 1. c. 9. The Content of a Sack and Stone of Wooll. Woolls brought to the Staple ſhall remain there 15 Days.

ITEM acorde eſt & aſſentu pur commune profit & eſe du poeple qe cheſcun marchant & autre ſibien alien come denzein puiſſe amener as parties de dela qe ſoient de lamiſte le Roi laines quirs & peaux lanutz del quint jour de Maii proſchein avener tanqe a la feſte de Seint Michel proſchein ſeuant paiant pur cheſcun ſak cynqant ſouldz & pur trois centz peaux lanutz atant & pur le laſt des quirs cent ſoldz pur la cuſtume & ſubſide dicels. Et qe nul marchant nautre qi achate laines fait autre refuys des laines qe ne ſoleit eſtre fait devant ces heures ceſt aſſaver de cot gare & vileine tuſon & qe cheſcun ſac contiegne vint & ſis peres & cheſcun pere quatorze livres ſolonc le pois de leſtandard de Leſcheqier & nemy plus ne meins. Et qe totes les laines peaux & quirs achatez en paiis ſoient amenez a les eſtaples & illoeqes demoergent a meins quinz jours. Et ſi eles ne puiſſent illoeqes eſtre venduz ou delivres deinz les quinz jours ſoient ameſnez as portz ordines pur les eſtaples a paſſer dilloeqes as parties ſuſdites paiantz les cuſtumes & ſubſids avantdites. Et qe nulles lains vendables ſoient herbergez monſtrez ne vendues deinz trois lewes de leſtaple forſqe en meſme leſtaple ſauve qe cheſcun Seignur & autre homme qe marchaunt puiſſe fraunchement herberger monſtrer et vendre ſes laines qe ſont de ſa propre creſſaunce en ſa meſon demeſne & aillours ou lour plerra.

CAP. IX.

The King's Council upon Cauſe may defer the tranſporting of Wooll.

ITEM acorde eſt & eſtabli qe les Chaunceller & Treſorer qi pur temps ſerront ove lavis dautres du conſeil le Roi eient poer dalloigner le terme du paſſage des laines qant ils verront qe meiſter ſerra.

CAP. X.

Who may govern or reform the Defaults of Victuallers in *London*.

" ITEM, Becauſe that the Fiſhers, Butchers, Poul- " ters, and other Sellers of Victuals, in the City of " *London*, by Colour of ſome Charters, and by evil In- " terpretation of ſome Statutes made in Advantage of " the People, that every Man may freely ſell his Vic-

ITEM pur ceo qe les peſſoners bochers poleters & autres vendours des vitailles en la Citee de Loundres par colour dauſcunes chartres & par marveis interpretation des aſcunes eſtatutz faitz en avantage du poeple qe cheſcun homme porra fran-

chement

Ex Rot. in Turr. Lond.

chement vendre ſes vitailles ſanz deſtourbance ſaunz ceo qe Maire viſcontes ou autres miniſtres ſe deivent meller de la vente Acorde eſt & aſſentu qe cheſcun homme qe amene vitailles queu qils ſoient a la dite Cite par terre ou par eawe les puiſſe franchement vendre a qi qe lui plerra ſanz eſtre deſtourbe ou embeſche par peſſoner bocher poleter ou autre quicunqes. Et qe les Maire & Aldermans de la dite Cite puiſſent reuler & redreſcer les defautes des peſſoners bochers & poleters come ils font ceux qi vendent pain vin & cerveis nient contreſteant chartres de franchiſes eſtatutz cuſtumes ou autres privileges faitz ou uſez a contraire. Et qe les dites Maire & Aldermans le facent & mettent en execution ſur peine nadgairs ordine tochante le Cite de Londres Iſſint qe le puniſſement des tieux ne ſoit faite par cauſe de ſinguler profit.

'tuals without Diſturbance, and that no Mayor, Sheriffs, or other Miniſter ought to meddle of the Sale;' it is accorded and aſſented, That every Man that bringeth Victuals, whatſoever they be, to the ſaid City, by Land or by Water, may freely ſell the ſame to whom it ſhall pleaſe him, without being interrupted or impeached by Fiſher, Butcher, Poulter, or any other. And that the Mayor and Aldermen of the ſaid City may rule and redreſs the Defaults of Fiſhers, Butchers, and Poulters, as they do of thoſe that ſell Bread, Wine, or Ale, notwithſtanding Charters of Franchiſe, and Statutes, Cuſtoms, or other Privileges made or uſed to the contrary. And that the ſaid Mayor and Aldermen do the ſame, and put it in Execution, upon the Pain late ordained touching the City of *London*, ſo that the Puniſhment of ſuch be not made in Reſpect of any ſingular Profit.'

The Mayor and Aldermen of London may reform the Defaults of Victuallers there. 28 Ed. 3. c. 10.

6 R. 2. c. 11. Repealed as to Victuallers by 7 R. 2. c. 11.

CAP. XI.

To whom the Ordinary may commit the Adminiſtration of the Goods of him that dieth inteſtate. The Benefit and Charge of an Adminiſtrator.

ITEM acorde eſt & aſſentu qe en cas ou homme devie inteſtat les ordinairs facent deputer de plus proſcheins & plus loialx amis du mort inteſtat pur adminiſter ſes biens les queux deputez eient action a demander & recoverer come executours les dettes dues au dit mort inteſtat en la Court le Roi pur adminiſtrer & deſprendre pur lalme du mort & reſpoignent auxint en la Court le Roi as autres as queux le dit mort eſtoit tenuz & obligez en meſme la manere come executours reſpondront. Et ſoient acountables as ordinairs ſi avant come executours ſont en cas de teſtament ſibien de temps paſſe come de temps avenir.

'ITEM it is accorded and aſſerted, That in caſe where a Man dieth inteſtate, the Ordinaries ſhall depute the next and moſt lawful Friends of the dead Perſon inteſtate to adminiſter his Goods; which Deputies ſhall have an Action to demand and recover as Executors the Debts due to the ſaid Perſon inteſtate in the King's Court, for to adminiſter and diſpend for the Soul of the Dead; and ſhall anſwer alſo in the King's Court to other to whom the ſaid dead Perſon was holden and bound, in the ſame Manner as Executors ſhall anſwer. And they ſhall be accountable to the Ordinaries, as Executors be in the Caſe of Teſtament, as well of the Time paſt as the Time to come.'

13 *Ed.* 1. *ſtat.* 2. c. 19. Carthew 376. 1 Shower 407. *Amended by* 21 H. 8. c. 5. 1 Roll 105. Vaugh. 96. 41 Ed. 3. f. 2. 37 H. 6. f. 15. Dyer 256. 5 Co. 9. 9 Co. 38. Co. Lit. 133, b. Cro. El. 409. Adminiſtration.

Cro. Car. 63. 106. Regiſt. 141. Raſt. 320. 2 Bulſt. 315. *See farther Index, tit.*

CAP. XII.

The Lord Chancellor and Lord Treaſurer ſhall examine erroneous Judgements given in the Exchequer.

ITEM acorde eſt & eſtabli qe en touz cas touchauntz le Roi ou autres perſones ou homme ſe pleinte derrour fait en proces en Leſcheqier les Chaunceller & Treſorer facent venir devant eux en aſcune chambre du conſeil jouſt Leſcheqier le record du proces hors de Leſcheqier & priſes a eux Juſtices & autres ſages tieux come lour ſemblera qe ſont aprendre & facent auxint appeller devant eux les Barons de Leſcheqier pur oier lour informations & les cauſes de lour juggement & ſur ceo facent duement examiner la buſoigne & ſi aſcun errour y ſoit trove les facent corriger & amendre les roules & puis reenvoier les en Leſcheqier pur faire ent execution ſicome appertient.

'ITEM it is accorded and eſtabliſhed, That in all Caſes touching the King, or other Perſons, where a Man complaineth of Error made in Proceſs in the Exchequer, The Chancellor and Treaſurer ſhall cauſe to come before them in any Chamber of Council nigh the Exchequer, the Record of the Proceſs out of the Exchequer, taking to them the Juſtices and other ſage Perſons, ſuch as to them ſeemeth to be taken; and ſhall alſo cauſe to be called before them the Barons of the Exchequer, to hear their Informations, and the Cauſes of their Judgments, and thereupon ſhall duly examine the Buſineſs; and if any Error be found, they ſhall correct and amend the Rolls, and after ſend them into the Exchequer for to make thereof Execution as pertaineth.'

4. Inſt. 105. 8 H. 7. f. 13. 1 Co. 11. Savil 36. 1 Shower 420. Altered by 31 El. c. 1. & 16 Car. 2. c. 2. & 20 Car. 2. c. 4.

CAP. XIII.

The King's Pardon to the Commons of the Eſcape of Felons and their Goods not eſtreated; and a Fifteen granted to him in regard of the ſame.

EXP.

CAP.

CAP. XIV.

How Eſcapes of Felons, Chattels of Felons and Fugitives, ſhall be levied.

Ex Rot. in Turr. Lond.

'ITEM it is accorded, That the Eſcape of Thieves 'and Felons, and the Chattels of Felons and of 'Fugitives, and alſo Eſcapes of Clerks convict out 'of their Ordinaries Priſon, from henceforth to be 'judged before any of the King's Juſtices, ſhall be 'levied from time to time, as they ſhall fall, as well of 'the Time paſt as of the Time to come.'

ET outre ceo eſt acorde qe les eſchapes de larons & felons & les chateux des felons & des futifs & auſſint eſchapes des clercs convictz hors de priſon de lour ordinairs defore ajugger devant qecunques Juſtices noſtre Seignur le Roi ſoient levez de temps en temps come ils eſcherrent ſibien de temps paſſe come de temps avenir.

CAP. XV.

At what Time a Sheriff ſhall hold his Turn.

9 H. 3. ſtat. 1. c. 35.
4 Mod. 114, 115.

"ITEM, Whereas in the Great Charter it is con- "tained, That no Sheriff nor his Bailiff ſhall make "his Turn by Hundreds, but two Times in the Year, "in a Place due and accuſtomed, That is to ſay, once "after *Eaſter*, and another Time after *Michaelmas*; "and now divers of the Commons have grievouſly "complained them, that ſome Sheriffs make their "Turns oftentimes in *Lent*, when Men ought to in- "tend Devotion, and other Works of Charity, for Re- "medy of their Souls; and ſometime after the Gule of "*Auguſt*, when every Man almoſt is occupied about the "cutting and entring of his Corn, whereby the Peo- "ple perceived them much grieved and diſquieted:" 'Our Lord the King, deſiring the Quietneſs of his 'People, hath ordained and eſtabliſhed, That every 'Sheriff from henceforth ſhall make his Turn yearly 'one Time within the Month after *Eaſter*, and another 'Time within the Month after Saint *Michael*; and if 'they hold them in other Manner, that then they 'ſhall loſe their Turn for the Time.'

ITEM come en la grant chartre ſoit contenu qe nul viſconte ou ſon baillif face ſon tourme par hundred forſqe deufoitz en lan en lieu due & accuſtume ceſt aſſaver une foitz apres le Paſque & autrefoitz apres le Seint Michel & ore pluſours de la communalte ſe ont grevouſement compleint qaſcuns viſcontes ſont ſovent lour tourns en Quarreſme qant homme deveroit entendre a devotion & autres oevres de charite pur remed de ſalme & a la foitz apres la gule dAugſt qant cheſcun apoi eſt occupie entour le ſciere & lentrere de ſes bledz par quoi le poeple ſe ſont mold grevez & deſeiſez noſtre Seignur le Roi deſirant la quiete de ſon poeple ad ordine & eſtabli qe cheſcun viſconte defore face ſon tourn annuelment unefoitz deinz le mois apres Paſqe & lautrefoitz deinz le mois apres le Seint Michel & ſils le tiegnent en autre manere qadonqes ils perdent lour tourn pur le temps.

Altered by 33 H. 8. c. 13. ſ. 1.
2 H. 7. f. 2.
38 H. 6. f. 7.

REX vicecomiti Middleſexie ſalutem. Quedam ordinationes & ſtatuta per nos prelatos duces comites barones & communitatem regni noſtri Anglie in Parliamento noſtro apud Weſt' die Lune proximo poſt ſeptimanam Paſche proximo preterito tento pro communi utilitate dicti regni facta tibi mittimus ſub pede ſigilli noſtri tibi precipientes quod dicta ordinationes & ſtatuta in pleno comitatu tuo & aliis locis in balliva tua in locis ubi melius expedire videris publice proclamari & quantum in te eſt firmiter teneri & ab aliis obſervari facias. T. R. apud Weſtm' primo die Auguſti.

Per ipſum Regem & conſilium.

Conſimilia brevia diriguntur ſingulis vicecomitibus per Angliam ſub eadem data.

The Statute of Herrings, made Anno 31 EDW. III. *Stat.* 2. *and* Anno Dom. 1357.

Ex. Rot. in Turr. Lond. *m.* 13. *D.*

"FOraſmuch as the Commons of the Realm of "*England*, at the Parliament holden at *Weſt-* "*minſter* the *Monday* next after the Week of "*Eaſter*, the Year of the Reign of our Lord the King, "*Edward* the Third of *England* xxxi, and of *France* "xviii, have complained them to our Lord the King, "becauſe that the People of *Great Yarmouth* do en- "counter the Fiſhers bringing Herring to the ſaid "Town in the Time of the Fair, and do buy and fore- "ſtall the Herring before they do come to the Town; "and alſo the Hoſtelerſ of the ſame Town, that

POR ce qe la communalte du Roialme dEngleterre en parlement tenuz a Weſtm' le Lundy proſchein apres la ſymygne de Paſque lan du regne noſtre dit Seignur le Roi EDWARD dEngleterre trente primer & de Fraunce diſoitiſme ſad pleinte a noſtre Seignur le Roi qe par cauſe qe les gentz de Grant Jernemuth' encontrent les peſchours menantz harang a la dite ville en temps de fevre & achatent & forſtallent le harang avant qil veigne a la ville & auxint les hoſtillers de meſme la ville qi herbergent les peſchours venantz illoeqes

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Ex Rot. in Turr. Lond.

ove lour harang ne veullent ſoeffre les ditz peſchours vendre lour harang ne meller de la vente dicels einz le vendent a lour volunte demeſne ſi cher come ils veullent & donent as peſchours ceo qe lour pleſt par quoi les peſchours ſe retrehent de venir illoeqes & iſſi eſt le harang mis a plus grant chierte qe unqes ne fuſt a grant damage noſtre Seignur le Roi des Seignurs & de tout le poeple par quoi noſtre Seignur le Roi veant le meſchief en celle partie par aſſent des grantz & de tout la communalte ad ordine & eſtabli remedie ſur les ditz meſchiefs en la fourme qe ſenſuyt.

" lodge the Fiſhers coming thither with their Herring, " will not ſuffer the ſaid Fiſhers to ſell their ſaid Herring, nor meddle with the Sale thereof, but ſell them " at their own Will as dear as they will, and give to " the Fiſhers that pleaſeth them, whereby the Fiſhers " do withdraw themſelves to come thither; and ſo " is the Herring ſet at much greater Price than ever " it was, to the great Damage of our Lord the King, " of the Lords, and of all the People: Wherefore " our Lord the King, ſeeing the Miſchiefs in this Behalf, by the Aſſent of the Great Men and all the " Commons, hath ordained and ſtabliſhed Remedy " upon the ſaid Miſchiefs, in the Form as followeth."

CAP. I.

Herrings ſhall not be bought or ſold on the Sea: At what Time they ſhall be ſold.

PRimerement qe nul harang ſoit vendu nachate en mier tanqe les peſchours ſoient venuz en haven ove lour harang & qe la corde de la nief ſoit trete a la terre.

' FIRST, That no Herring be bought or ſold in the Sea, till the Fiſhers be come into the Haven with their Herring, and that the Cable of the Ship be drawn to the Land.' *Altered by* 5 El. c. 5.

CAP. II.

The Order and Time of bringing and ſelling of Herring at *Yarmouth* Fair. How many Herring ſhall be accounted an Hundred, and how many a Laſt. Who ſhall govern the Fair.

ITEM qe les peſchours ſoient franks de vendre lour harang as totes gentz qe veignent a la feyre de Jernemuth ſaunz nulle deſtourbance de lour hoſtilers ou autres queconqes. Et qant les ditz peſchours veullent vendre en port lour marchaundiſes eient lour hoſtilers oveſqe eux ſils y veullent eſtre & en lour preſence & en preſence dautres marchantz en apert vendent lour marchandiſes a qi qe lour plerra. Et ſi autres marchantz preſentz veullent aver part des dites marchandiſes & cheſcun qe claime [*avera*] ſa part pur le pris ſolonc lefferant de meſmes les marchandiſes iſſint venduz & ſoit la dite vente faite du ſolaill levant tanqe a ſoleill recours & nemie nevant ne apres ſur forfaiture de meſmes les marchandiſes. Et qe les ditz peſchours ſoient franks dachater lour vitailles & ceo qe lour beſoigne ou qe lour plerra. Et qe nul hoſtiler nautre nachate nul harang pur prendre en meſon par covine ne en autre manere plus haut le laſt de xl. ſouldz mes meins en tant come il poet ſolonc ceo qil porra acorder ove le vendour. Et qe nul hoſtiler ne nul de lour valletz ne nul autre qi qe ceo ſoit venant a la dite feyre naille par mier ne par terre de forſtaller le harang en prive nen apert mes qe le harang veigne franchement nient vendu en le haven. Ne qe nul renner nee face achate de harang freſch deinz le haven de Jernemuth' parentre les feſtes de Seint Michel & de Seint Martyn ſur peine dempriſonement a la volunte le Roi & de forfaiture de tout le harang iſſint achate. Et qe nul veſſel appelle Pyker de Londres ne de nulle part aillours nentre deinz le dit haven pur encherer la feyre a damage du poeple ſur peine de forfaire lour veſſelx & touz lour chateux trovez dedeinz. Et qe touz les hoſtilers ſoient ſermentez

' ITEM, That the Fiſhers be free to ſell their Herring to all that come to the Fair of *Great Yarmouth*, without any Diſturbance of their Hoſtelers, or any other. And when the Fiſhers will ſell their Merchandiſes in the Port, they ſhall have their Hoſtelers with them, if they there will be, and in their Preſence, and the Preſence of other Merchants, openly ſhall ſell their Merchandiſes. * *And that every Man* claim his Part for the † taking, after the Rate of the ſame Merchandiſes ſo ſold; and the ſaid Sale ſhall be made from the Sun riſing till the Sun going down, and not before nor after, upon Forfeiture of the ſame Merchandiſes. And that the ſaid Fiſhers be free to buy their Victuals, and that which they need, where ſhall pleaſe them. And that no Hoſtelers, nor other, buy any for to hang in their Houſes by Covin, nor in other Manner, at an higher Price the Laſt than Forty Shillings, but leſs in as much as he may, according as he may agree with the Seller. And that no Hoſtelers, nor any of their Servants, nor any other whatſoever he be, coming to the ſaid Fair, ſhall go by Land nor by Sea to foreſtal Herring privily nor openly, but the Herring ſhall come freely unfold unto the Haven. Nor that any Pyker make buying of freſh Herring in the Haven of *Yarmouth*, betwixt the Feaſt of Saint *Michael* and Saint *Martin*, upon Pain of Impriſonment at the King's Will, and to forfeit all the Herring ſo bought. And that no Veſſel called Pyker of *London*, nor of none other Place, ſhall enter into the ſaid Haven to enhance the Fair in Damage of the People, upon the Pain of Forfeiture of their Veſſel, and all their Chattels found within. And that all the Hoſtelers be ſworn before the Wardens of the ſaid Fair, and enjoined upon a great Forfeiture to the *Amended by* 35 Ed. 3. c. 2.

† Price. St. 35 E. 2.

The Price of a Laſt of Herring.

There ſhall be no foreſtalling of Herring. 5 Eliz. c. 5.

A Pyker of London ſhall not enter into Yarmouth Haven to abate the Fair.

To what Hoſtelers ſhall be ſworn.

* Add, *to whomſoever they pleaſe. And if other Merchants there preſent will take Part of the ſaid Merchandize, and every one that claims ſhall have, &c.*

' King,

'King, to receive their Gueſts well and convenient'y, and to aid and eaſe them reaſonably, taking of every Laſt that ſhall be ſold to other Merchants than to the ſaid Hoſtelers, 40*d*. And that of Herring ſold to the ſame Hoſtelers to take in their Houſes, the ſame Hoſtelers ſhall take nothing, and that becauſe of the Profits which they ſhall have of Victuals ſold to their ſaid Gueſts, and of the Advantage that they have more than other of Curage of Herring ſo by them bought, and hanging in their Houſes. And that the Hoſtelers becauſe of this Ordinance do not refuſe their Gueſts, but receive them, and intreat them in good and friendly Manner, as they have done before-time. And that they for the Advantage of 40*d*. the Laſt, take upon them for the Payment of all the Herring that ſhall be ſold by their Aſſent to any Perſons. And the Hundred of Herring ſhall be accounted by ſix Score, and the Laſt by ten Thouſand. And that the Merchants of *Yarmouth*, of *London*, or elſewhere, ſell the Thouſand of Herring to the People after the Rate of the Price of the Laſt. And that the People of *Yarmouth*, ſell the Laſt of Red Herring bought for 40 *s*. freſh or within 40 *s*. for half a Mark of Gain, and not above. And that the People of *London* at ſuch Fair ſhall bring the Laſt from *Yarmouth* to *London* for one Mark of Gain, and not above. And alſo two Laſts of ſhotten Herring freſh ſhall be ſold for the Price aſſeſſed of the buying of a Laſt of full Herring, and ſo of more and leſs after the ſame Rate; and of ſhotten Herring red, the two Laſts ſhall be ſold dearer of a Mark than the Laſt of Herring full red, and that becauſe the Curage of the Laſt of ſhotten Herring draweth to as much as the Laſt of full Herring; and ſo of more and leſs, according to the ſame Rate. And that the Ships called the Pykers ſhall freely buy freſh Herring, and all other Merchandiſes of the Fiſhers in *Kyrkly*, and elſewhere upon the Coaſts of the Sea, without Impeachment or Diſturbance of the Hoſtelers of *Yarmouth*, or of any other; ſo always, that no more Herring be diſcharged in the Road of *Kyrkly* out of the Fiſhers Ships, but as much as may reaſonably ſuffice to the Charge of the Pykers that thither ſhall come for the ſame Cauſe. And that the Fiſhers be compelled to bring all the remnant of their Herring to the ſaid Fair to ſell there; ſo that none ſell Herring in any Place about the Haven of *Yarmouth* by ſeven Miles, except in three Towns of *Yarmouth*, that is to ſay, *Eſton*, *Weſton*, and *Southton*, unleſs it be Herring of their own Fiſhing. And our Lord the King doth will, that the Barons of the Five Ports ſhall cauſe to be kept and governed the ſaid Fair according to the Compoſition late made between them and the People of the Town of *Yarmouth*, confirmed by the King's Grandfather; and that the ſame Barons and Bailiffs of *Great Yarmouth* cauſe to be kept theſe preſent Ordinances in all Points, and to be cried in every *Sunday* between St. *Michael* and Saint *Martin*, upon the Pain to loſe their Franchiſe, and to be puniſhed at the King's Will; and that the People of *Yarmouth* ſuffer the ſaid Barons of the Five Ports to govern and Rule the ſaid Fair after the Purport of the ſaid Compoſition, and due Execution to be made of this Ordinance upon the Pain laſt aforeſaid. And theſe Ordinances in the Right of buying and ſelling of Herring, ſhall be holden in

Herrings ſold to Hoſtelers to their own Uſe.

The Hundred of Herring, ſix Score; and the Laſt, ten Thouſand.

The Prices of Herring, and Gains thereby.

The Barons of the Five Ports muſt govern the Fair of Great Yarmouth.

Ex Rot. in Turr. Lond.

devant les gardeins de la feyre & enjointz ſur gref forfaiture du Roi de receiver lour houſtes bien & covenablement & de eux eider & eiſer reſonablement parnant de cheſcune laſt qe ſerra vendue as autres marchantz qe as ditz hoſtilers quarrant deniers. Et qe de harang vendu as meſmes les hoſtileis de prendre en lour meſons riens ne prendront les hoſtilers & ceo pur cauſe des profitz qils averont des vitailles venduz a lour ditz houſtes & davantage qils ont plus qe autres du coriage de harang iſſint par eux achate & pendu en lour meſons. Et qe les hoſtilers par cauſe de ceſte ordinance ne refuſent lour houſtes einz les receivent & trettent en bone manere & amiable come ils ont fait avant ces heures & qils pur lavantage de les quarrant deniers du laſt empreignent pur le paiement de tut le harang qe ſerra vendu par lour aſſent as qeconqes perſones. Et ſoit le cent de harang accompte par $\frac{xx.}{vi.}$ & le laſt par $\frac{m.}{x.}$ Et qe les marchantz de Jernemuth de Loundres & aillours vendent le mill de harang au poeple ſolonc lafferant du pris du laſt. Et qe deux faſtes de ſhotenharang freſch ſoient venduz pur le pris de lafferant de lachate dune laſt du plein harang. Et qe les gentz de Jernemuth vendent le laſt de harang ſech' achate pur quarrant ſouldz freſch ou dedeinz quarrant ſouldz pur dimi marc de gaine & nemye outre. Et qe les gentz de Loundres a tiel fire le laſt ameſne de Jernemuth en Loundres pur un marc de gaine & nemy outre. Et auſſint ſoient deux laſtes de ſhotenharang freſch venduz par la pris de lafferaunde de lachate dun laſt de harang plein & iſſint de plus & de meins ſolonc meſme lefferaunt & de ſhotenharang ſoer ſoient deux laſtes venduz plus chier dune marc qe la laſt de harang plein ſoor & ce par cauſe qe la coriage du laſt de ſhotenharang couſt a tant come le laſt de harang plein & iſſint de plus & de meins ſolonc meſme lefferaunt. Et qe les nieſs appellez Pykers achatent franchement harang freſch & toutes autres marchaundiſes des peſcheurs en Kirkele & aillours ſur coſteres de la mier ſaunz empeſchementz ou deſtourbance de lour hoſtilers de Jernemuth ou de nul autre Iſſint toutefoitz qe plus de harang ne ſoit deſchargez en la rode de Kirkele hors de nieſs de peſchours fors tant qe purra reſonablement ſuffire a la charge de pykers qe illoeqes vendront pur celle cauſe. Et qe les peſchour ſoient arcez de amener tout le remenaunt de lour harang a la dite feyre de vendre illoeqes iſſint qe nul ne pende harang nul part environ le haven de Jernemuth par ſept lewes ſinoun en trois villes de Jernemuth ceſt aſſaver Eſton Weſton & Southton ſil ne ſoit harang de lour peſcherie demeſne. & noſtre Seignur le Roi voet qe les Barons de Cynk portz facent garder & governir la dite feyre ſolonc la compoſition nadgairs faite entre eux & les gentz de la ville de Jernemuth conferme par lael noſtre Seignur le Roi & qe meſmes les Barons & les bailliffs de Grant Jernemuth facent garder ceſtes preſentes ordinances en touz pointz & crier cheſcune Dymenge parentre le Seint Michel & le Seint Martyn ſur peine de perdre lour fraunchiſes & deſtre puniz a la volunte le Roi Et qe les gentz de Jernemuth ſoeffrent les ditz Barons de Cynk Portz governir & reuler la dite feyre ſolonc le purport de la compoſition avantdite & due execution eſtre faite de ceſtes ordinances ſur la peine darreinement ſuſdite. Et ſoient ceſtes ordinances

en

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en droit de vente & achate de harang tenues en totes les villes dEngleterre ou harang eſt pris & ſecche ſur les peines ſuſdites.

'all the Towns of *England*, where Herring is taken and dried upon the Pains aforeſaid.'

For farther Regulations ſee Index, tit. Fiſh, Herrings.

CAP. III.

What great Officers ſhall take Order for ſelling and buying of Fiſh.

ET acorde eſt par noſtre Seignur le Roi les grantz & tote la communalte en ceſt parlement qe les Chaunceller & Treſorer pris a eux Juſtices & autres du conſeil le Roi tieux come leur ſemblera eient poer dordiner remedie de lachate & vente de ſtokfiſhe de Seint Botolph ſaumon de Berewyk & des vins & de peſſon a Briſtuit & aillours au fin qe le Roi & le poeple ſoient meuth ſervitz pur melliour marche qils nount eſte devant ces heures & qe lordinance par eux faite en celle partie ſoit fermement tenuz.

'ITEM it is accorded by our Lord the King, the Great Men, and all the Commons in this preſent Parliament, That the Chancellor and Treaſurer taking to them Juſtices, and other the King's Council, ſuch as to them ſhall ſeem, ſhall have Power to ordain Remedy touching the buying and ſelling of Stock Fiſh of St. *Botulf*, and Salmon of *Berwick*, and of Wines and Fiſh of *Briſtuit*, and elſewhere; to the Intent that the King and the People may the better be ſerved, and have better Market than they have had before this Time, and that the Ordinances by them made in this Party be firmly holden.'

See Reference to foregoing Chapter.

Another Statute for Salt Fiſh, made Anno 31 EDW. III. *Stat.* 3. *and* Anno Dom. 1357.

Ex Rot. in Turr. Lond. *m.* 13. D.

PORCE qe monſtre eſt a noſtre Seignur le Roi par les communes de ſon Roialme dEngleterre en ſon parlement tenuz a Weſtm' le Lundy proſchein apres la ſemaigne de Paſk lan du regne noſtre Seignur le Roi ceſt aſſavoir dEngleterre trent primer & de France diſoitiſme qe peſſons ſalez de Blakeneye & de les coſteres joignantz ſont & devant ces heures ont eſte venduz a trop chier & exceſſif pris a grant damage de noſtre Seignur le Roi des grantz & de tout le poeple du dit Roialme de quoi les ditz communes prient remede noſtre Seignur le Roi deſirant ſur ce mettre amendement en eiſe de ſon poeple & par aſſent de les Prelatz & autres grantz & communes ad ordegne & eſtabli ſur la vente des ditz peſſons en la maneſe qe ſenſuyt.

CAP. I.

Doggers and Lode-ſhips of *Blackney*-Haven ſhall diſcharge their Fiſh there.

PRimerement qe touz les niefs appellez Dogeres & Lodſhippes appurtenantz al haven de Blakeneye & des coſteres joignantz ceſtaſſavoir de Suyterle Wyn' Claye Salthous Shiryngham & Crowemere deliverent & deſchargent lour peſſon dedeinz le haven de Blakeneye tantſoulement parentre Benorde & Hoghflete & en nul lieu aillours ſur peine dempriſonement a la volunte le Roi & forfaiture de meſme le peſſon. Et qe nul peſſon ſoit livere ne porte hors du nief a nulli meſon ne aillours avant qe le Seignur du nief en quele le dit peſſon eſt chargee & le marchant qui le peſſon achatera ſoient acorde du pris dicel & ce par cler jour.

'FIRST it is ordained, That all the Ships called *Doggers* and *Lodeſhips*, pertaining to the Haven of *Blackney*, and Coaſts thereunto adjoining, that is to ſay, the *Suytor*, the *Wyneton*, *Clay*, *Salthouſe*, *Shiringham*, and *Crowmer*, ſhall deliver or diſcharge their Fiſh within the Haven of *Blackney* only, betwixt *Benord* and *Hogfleet*, and in none other Place, upon Pain of Impriſonment at the King's Will, and Forfeiture of the ſame Fiſh. And that no Fiſh be delivered nor carried out of the Ship to any Houſe, nor elſewhere, before that the Owner of the Ship, wherein the ſaid Fiſh is charged, and the Merchant that ſhall buy the Fiſh, be agreed of the Price of the ſame, by clear Day.'

CAP. II.

The Price of Dogger-fiſh ſhall be aſſeſſed at the Beginning of the Fair. Who may buy Nets and Hooks in *Norfolk*.

ITEM qe nul peſchour ne Seignur du nief ne nul autre ne mette main ſur nul peſſon deinz nief pur le peſſon trier eſſire ou empirer fors ſoule-

'ITEM, That no Fiſher nor Owner of any Ship, nor any other, ſet Hand upon any Fiſh within the Ship, for to try, chooſe, or impair the Fiſh, but

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'only the Buyer or his Attorney, upon the ſaid Pain.

Loych-fiſh tried but in three Parts, Lob, Ling, and Cod.

'And that no Fiſh called *Loych-fiſh* ſhall be choſen or tried, but only in three Parts, that is to ſay, Lob, Ling, and Cod; and that every of the ſame three Sorts of Lob, Ling, and Cod, be good and covenable, as in old time hath been uſed.

Who ſhall have the Orgeys.

'And in caſe that no Orgeys, that is to ſay, Fiſh greater than Lob, be found in a Ship called a *Lode-ſhip*, in the Hundred of Lob, Ling, and Cod, the Maſters and Mariners ſhall have of every Hundred of Lob, Ling, and Cod (the Hundred accounted to ſix Score) twenty Orgeys, if there be ſo many: And if there be leſs, the Maſters and Mariners ſhall have all the Orgeys: And if there be more, the Overplus above the Scores to every Hundred ſhall be put to the Fiſh bought in Amendment of the Price of the ſame to the Profit of the Buyer.

The Price of Dogger-fiſh ſhall be aſſeſſed at the Beginning of Blackney Fair.

'And alſo by the Advice of the Merchants and Buyers of the Owners coming to the Fair of *Blackney*, and of the Owners of the Ships, a Price ſhall be ſet at the Beginning, and aſſeſſed upon the Dogger-fiſh and Loych-fiſh, before that any Sale be made, which Price ſhall be holden during the Fair; and that the ſaid Fiſh be ſold at ſuch a Price openly, and not by Covin privily.

Fiſh ſhall not be kept ſecret to be ſold by Retale.

'And that no Owner of Ships, Mariners, nor other, lodge, nor Cauſe to be lodged in their Houſes privily nor openly, Fiſh in the Mud, nor Fiſh dried, for to ſell again another Time at Retale, but all ſuch Fiſh ſhall be ſold reaſonably within the ſaid Bounds at the Fair and Price aforeſaid, upon the ſame Pain.

Who may buy Nets and Hooks in Norfolk to Fiſh with.

'And that no Man buy Nets, Hooks, nor other Inſtruments pertaining to Fiſhing in the County of *Norfolk*, but Owners, Maſters, and Mariners of Ships that uſe the Myſtery of Fiſhing, and which have to do with ſuch Things, upon Pain of Impriſonment, and to be ranſomed at the King's Will, and to forfeit the Things ſo bought.

'And that no Owner of a Ship, Mariner, nor other, make Impeachment, nor be reſiſtant in any Point againſt this preſent Ordinance. Nor that no Mariner nor Fiſher, becauſe of this Ordinance, leave or refuſe to go in fiſhing, as before times they were wont to do, nor diſturb any Covenant made between a Merchant and Owner of a Ship, upon Pain of Impriſonment, and to be ranſomed at the King's Will; and that upon the ſame a Writ be ſent to the Sheriff of *Norfolk*, that at every Man's Complaint that will ſue for the King, or for himſelf, againſt thoſe

The Puniſhment of the Offenders of this Statute.

that in any Point offend againſt this Ordinance, he ſhall cauſe the ſame Reſiſtors and Treſpaſſers to be attached, and them detain in Priſon till the King and his Council have ordained of them that Right requireth, after the Quantity of their Treſpaſs.'

See Index, tit. Fiſh.

ment lachatour ou ſon attorne ſur la dite paine. Et qe nulle peſſon appelle Lochefiſh ne ſoit eſſu ne trie fors tantſoulement en trois parties ceſtaſſavoir lob lyng & cod & qe cheſcun de meſmes les trois ſortz de lob lyng & cod ſoit bon & covenable come en auncien temps eſtoit uſee. Et en cas qe nul orgois ceſt aſſavoir peſſon plus grant qe lob ſoit trove en nief appelle Lordſhip en le cent de lob lyng ou cod eient les meſtres & mariners de cheſcun cent de lob lyng & cod (le cent acompte a dis vintz) vint orgois ſi tantz y ſoient & ſi meins y ſoient eient les meſtres & mariners touz les orgois & ſi plus y ſoient ſoit le ſurplus outre les vintz a cheſcun cent mys a le peſſon achate en amendement du pris dicel au profit del achatour. Et qe par lavis des marchantz & achatours des Seignurs venantz a la feire de Blakeneye & des Seignurs des niefs ſoit a comencement avant qe nul vente ſe face certein pris mys & aſſiz ſur le peſſon de dogerefiſh & lochefiſh queu pris ſoit tenuz durante la feire & qe tout le dit peſſon ſoit vendu a tiel pris en appert & nemye par covyne privement en muſcet. Et qe nul Seignur de nief mariner nautre ne herberge ne face herberger en lour meſons en prive nen appert peſſon en la mod ne peſſon ſek pur revendre altrefoitz a retaill einz ſoit tout tiel peſſon vendu reſonablement dedeinz les boundes ſuſdites as foir & pris avantditz ſur meſme la peine. Et qe nul homme achate retz hokes nautres inſtrumentz appertenantz a peſcherie en le centee de Norff' forſpris Seignurs meſtres & mariners des niefs qui uſent le meſter de peſcherie & qont affaire des tielles choſes ſur peine dempriſonement & deſtre reintz a la volunte le Roi & ſur forfaiture des choſes iſſint achates. [Et qe nul deliverance ſoit fait del dit peſſon ſanz preſence de ſiz hommes a ce eſluz par les bones gentz de les villes Suyterle [*Southeley*] Wyneton Claye Salthous & Shiryngham & les Seignurs & meſtres des niefs & les marchantz queux ſis hommes cynk quartre, trois ou deux de eux a meins ſoient toutefoitz en preſence ove les Seignurs & meſtres de les niefs & les marchantz a cheſcun deliverance affaire & ſerront les ditz ſis hommes eſluz jurrez de bien & loialment ſercher ſi nul orgois ſoit trove en muſcet ultre vint orgois qe les meſtre & mariners averont del cent come deſſus eſt dit & ſi plus orgois ſoit trove en muſcet ſoit meintenant areſtu par les ditz [*ſis*] hommes eſluz a celle heure preſentz & forfait a noſtre Seignur le Roi[a].] Et qe nul Seignur de nief mariner nautre ne face empeſchement ne ne ſoit rebel en nul point contre ceſte preſente ordinance. Ne qe nul mariner ne peſchour par cauſe de ceſte ordinance ne leſſe ne refuſe daler peſcher come il ſoleit devant ces heures foire ne ne deſtourbe covenante faite parentre marchant & Seignur de nief ſur peine dempriſonement & deſtre reint a la volunte le Roi & qe ſur ce brief ſoit mande au viſconte de Norff' qe a cheſcune pleinte qi vorra ſuir pur le Roi ou pur lui meſmes contre ceux qui vendront en aſcun point contre ceſte ordinance face attacher les ditz rebelx & treſpeſſours & les detenir en priſon tanqe le Roi & ſon conſeil eient ordenez de eux ceo qe droit demande ſelonc la quantite de lour treſpas.

[a] *Note*, There are two Copies of this Statute on the Roll, in one of which the Words included in the Crotchets are not found.

Ordinatio

Ordinatio facta pro ſtatu terræ Hibernie. 31 EDW. I. *Stat.* 4. *See Appendix.*

Statutes made at Weſtminſter, Anno 34 EDW. III. *and* Anno Dom. 1360.

Ex Rot. in Turr. Lond. *m.* 10.

CES ſont les choſes queles noſtre Seignur le Roi Prelatz Seignurs & la commune ont ordinez en ceſt preſent parlement tenuz a Weſtmuſtier le Dymenge proſchein devant la feſte de la converſion de Seint Paul a tenir & publier overtement parmy le Roialme ceſtaſſavoir.

"THESE be the Things which our Lord the King, the Prelates, Lords, and the Commons have ordained in this preſent Parliament holden at *Weſtminſter* the *Sunday* next before the Feaſt of the Converſion of St. *Paul*, to be holden and publiſhed openly through the Realm."

CAP. I.

What Sort of Perſons ſhall be Juſtices of Peace; and what Authority they ſhall have.

PRimerement qe en cheſcun countee dEngleterre ſoient aſſignez pur la garde de la pees un Seignur & oveſqe lui trois ou quatre des meultz vauez du countes enſemblement ove aſcuns ſages de la ley & eient poer de reſtreindre les meffeſours riotours & touz autres barottours & de les purſuir areſter prendre & chaſtier ſelonc leur treſpas ou meſpriſion & de faire empriſoner & duement punir ſelonc la ley & cuſtumes du Roialme & ſelonc ce qils verront mieultz affaire par lour diſcretions & bon aviſement & auxint de eux enformer & denquere de touz ceux qi ont eſte pilours & robeours es parties de dela & ſont ore revenuz & vont vagantz & ne voillent travailler come ils ſoleint avant ces hours & de prendre & areſter touz ceux qils purront trover par enditement ou par ſuſpecion & les mettre en priſone & de prendre de touz ceux qi ne ſont de bone fame ou ils ſerront trovez ſuffiſant ſeurete & meinpriſe de lour bon port devers le Roi & ſon poeple & les autres duement punir au fin qe le poeple ne ſoit par tieux riotours troble nendamage ne la pees enblemy ne marchantz nautres paſſantz par les hautes chemyns du Roialme deſtourbez ne abaiez du peril qe purra avenir de tieux meffeſours & auxint doier & terminer a la ſuite le Roi tote manere de felonies & treſpas faites en meiſme le countee ſelonc les leys & cuſtumes avantdites & qe briefs doier & terminer ſoient grantes ſelonc les eſtatuz ent faites mes qe les Juſtices qe ent ſerront aſſignez ſoient nomez par la court & nemie par la partie. Et le Roi voet qe totes generales enquerres avant ces heures grantez deinz ſeignuries queconqes pur les meſchiefs & oppreſſions qe ont eſte faites au poeple par tieles enquerres ceſſent outrement & ſoient repellez & qe fins qe ſont affaire devant Juſtices pur treſpas fait par aſcune perſone ſoient reſonables & juſtes eant regard au quantite du treſpas & les cauſes pur queles eles ſont faites.

'FIRST, That in every County of *England* ſhall be aſſigned for the keeping of the Peace, one Lord, and with him three or four of the moſt worthy in the County, with ſome learned in the Law, and they ſhall have Power to reſtrain the Offenders, Rioters, and all other Barators, and to purſue, arreſt, take, and chaſtiſe them according to their Treſpaſs or Offence; and to cauſe them to be impriſoned and duly puniſhed according to the Law and Cuſtoms of the Realm, and according to that which to them ſhall ſeem beſt to do by their Diſcretions and good Adviſement; and alſo to inform them, and to enquire of all thoſe that have been Pillors and Robbers in the Parts beyond the Sea, and be now come again, and go wandering, and will not labour as they were wont in Times paſt, and to take and arreſt all thoſe that they may find by Indictment, or by Suſpicion, and to put them in Priſon; and to take of all them that be not of good Fame, where they ſhall be found, ſufficient Surety and Mainpriſe of their good Behaviour towards the King and his People, and the other duly to puniſh, to the Intent that the People be not by ſuch Rioters or Rebels troubled nor endamaged, nor the Peace blemiſhed, nor Merchants nor other paſſing by the Highways of the Realm diſturbed, nor put in the Peril which may happen of ſuch Offenders. And alſo to hear and determine at the King's Suit all Manner of Felonies and Treſpaſſes done in the ſame County according to the Laws and Cuſtoms aforeſaid; and that Writs of *Oyer* and *Terminer* be granted according to the Statutes thereof made, and that the Juſtices which ſhall be thereto aſſigned be named by the Court, and not by the Party. And the King will, that all general Inquiries before this Time granted within any Seigniories, for the Miſchiefs and Oppreſſions which have been done to the People by ſuch Inquiries, ſhall ceaſe utterly and be repealed; and that Fines, which are to be made before Juſtices for a Treſpaſs done by any Perſon, be reaſonable and juſt, having Regard to the Quantity of the Treſpaſs, and the Cauſes for which they be made.'

Cro. El. 148, 689. 8 Co. 36. *Enforced and amended by* 13 R. 2. ſtat. 1. c. 7. 2 H. 5. ſtat. 1. c. 4.

Juſtices of Peace may hear and determine Felonies and Treſpaſſes.

Commiſſions of general Inquiries ſhall ceaſe.

Fines for Treſpaſſes ſhall be reaſonable. 9 *H.* 3. *ſtat.* 1. *c.* 14. 3 *Ed.* 1. *c.* 6. *And ſee* 1. 1 *W. & M. ſeſſ.* 2. *c.* 2. *declaring* Juſtices of Peace.

exceſſive Fines and cruel Puniſhments to be illegal; and likewiſe Grants of Fines before Conviction. See farther Index, tit.

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Enforced by 36 Ed. 3. c. 2. *Obſ. by* 12 *Car.* 2. c. 24.

CAP. II.

No Purveyance ſhall be made but for the King, the Queen, and the King's eldeſt Son.

OBS.

CAP. III.

What Things purveyed for the Queen and Prince ſhall be paid for.

CAP. IV.

What Sort of People ſhall be returned upon every Jury.

" ITEM, Becauſe that the Sheriffs and other Mini-
" ſters often do array their Panels in all Manner of
" Inqueſt of People procured and moſt far off from
" the Counties, which have no Knowledge of the
" Deed whereof the Inqueſt ſhall be taken;" ' it is ac-
' corded, That ſuch Panels ſhall be made of the next
' People, which ſhall not be ſuſpect nor procured;
See farther Regiſt. 117, 178. and Index, tit. Juries. ' and that the Sheriffs, Coroners, and other Miniſ-
' ters which do againſt the ſame ſhall be puniſhed
' before the Juſtices that take the ſaid Inqueſt, accord-
' ing to the Quantity of their Treſpaſs, as well againſt
' the King as againſt the Party, for the Quantity of
' the Damage which he hath ſuffered in ſuch Man-
' ner.'

ITEM por ce qe viſcontes & autres miniſtres ſo-vent arraient lour panels en tote manere den-queſtes des gentz procurez & pluis lointifs du countee qi nont coniſſance du fet dount lenqueſte ſerra priſe, Acorde eſt qe tieu paneles ſoient faites des plus proſcheins gentz qi ne ſont pas ſuſpectes ne procurez & qe les viſcontes coroners & autres miniſtres qi font a lencontrer ſoient puniz devant les Juſtices qi la dite enqueſte prendra ſelonc la quantite de leur treſpas ſibien devers le Roi come devers la partie pur la quantite du damage qil ad ſuffert en tieu manere.

CAP. V.

Auncel Weight ſhall be put out. Buying and ſelling ſhall be by equal Balance.

Juſtices of the Peace ſhall inquire of Weights and Meaſures. ' ITEM it is accorded, That they which ſhall be
' aſſigned to keep the Peace ſhall have Power to in-
' quire of Meaſures, and alſo of Weights, according
' to the Statute thereof made the five and twentieth
' Year of the Reign of our Lord the King, wherein
' is contained the Form that followeth:' " Whereas
" very great Damage, *&c. as in* 25 *Edw.* 3. ſtat. 5.
" c. 9.

ITEM eſt acorde qe ceux qi ſerront aſſignez de garder la pees eient poair denquere des meſures & auxint des pois ſelonc leſtatut ent fait lan du regne noſtre Seignur le Roi vint & quint en quel eſt contenu la forme qe ſenſuit 'Porce qe &c. *prout in* ſtat. 25 EDW. 3. ſtat. 5. c. 9.

9 H. 3. *ſtat.* 1. c. 25. Repealed by 21 Jac. 1. c. 28. 11 H. 7. c. 4.

CAP. VI.

All Meaſures ſhall be according to the King's Standard, *&c.*

CAP. VII.

An Attaint will lie as well in Plea Real as Perſonal.

And ſee 9 *Rich.* 2. c. 3. 11 *H.* 7. c. 21 & 24. 19 *H.* 7. c. 3. *and* 23 *H.* 8. c. 3. *for farther Regulations and Extenſions of Attaints.* ' ITEM it is accorded againſt the Falſhood of Ju-
' rors, That every Man againſt whom they paſs,
' may have Attaint as well in Plea Real as Perſonal;
' and that the Attaint be granted to the poor, which
' will affie, that they have nothing whereof to make
' Fine (ſaving their Countenance) without Fine,
' and to all other by eaſy Fine.'

ITEM acorde eſt contre la fauxine des jurrours qe cheſcun homme contre qi ils paſſent puiſſe avoir latteint ſibien en plee reale come perſonele & qe latteint ſoit grante as povres qi voillent affier qils nont riens de ent faire fin ſauve lour contenance ſaunz fin & as touz autres par eiſe fin.

CAP. VIII.

The Penalty of a Juror taking Reward to give his Verdict.

31 H. 6. f. 8. Fitz. Damage, 76. Fitz Decies tantum, 1, 2, 3, 4, 5, 6, 9, 11. Raſt. 145. ' ITEM, That in every Plea, whereof the Inqueſt
' or Aſſiſe doth paſs, if any of the Parties will ſue
' againſt any of the Jurors, that they have taken of
' his Adverſary, or of him, for to give their Verdict,
' he ſhall be heard, and ſhall have his Plaint by Bill

ITEM qe en cheſcun plee dount lenqueſte ou laſſiſe paſſe ſi aucun des parties voudra ſuir vers aſcuns des jurrours qil ad pris de ſon adverſet ou de lui pur dire ſon verdit ſoit oy & eit ſa pleinte meintenant par bille devant les Juſtices devant queux

Ex Rot. in Turr. Lond.

queux ils jurrerunt & qe le jurrour ſoit mis a reſpoundre ſaunz nul delai & ſils pledent au paiis qe enqueſte ſoit pris maintenant. Et ſi nul homme autre qe la partie vodra ſuyr pur le Roi vers le jurrours ſoit oy & termine come deſſus eſt dit. Et ſi le jurrour ſoit atteint a ſuite dautre qe la partie & face fin qe la partie qe ſeuſt eit la moitie du fin & qe les parties au plee recoverent lour damages par taxation de lenqueſt & qe le jurrour iſſint atteint eit la priſone dun an quel empriſonement le Roi grante qe ne ſoit pardone pur nul fin. Et ſi la partie voudra ſuier par brief devant autres Juſtices eit ſa ſuyte en la forme avantdite.

'preſently before the Juſtices before whom they did 'ſwear, and that the Juror be put to anſwer without 'any Delay; and if they plead to the Country, the 'Inqueſt ſhall be taken preſently. And if any man 'other than the Party will ſue for the King againſt 'the Juror, it ſhall be heard and determined as afore 'is ſaid. And if the Juror be attainted at the Suit 'of other than the Party, and maketh Fine, the 'Party that ſueth ſhall have half the Fine; and that 'the Parties to the Plea ſhall recover their Damages 'by the Aſſeſſment of the Inqueſt; and that the Juror 'ſo attainted have Impriſonment for one Year, 'which Impriſonment the King granteth that it 'ſhall not be pardoned for any Fine. And if the 'Party will ſue by Writ before other Juſtices, he 'ſhall have the Suit in the Form aforeſaid.'

5 Ed. 3. c. 10. *Enforced by* 38 Ed. 3. *ſtat.* 1. c. 12. *enacting that Jurors taking Money ſhall forfeit ten Times the Sum taken.* Regiſt. 188.

CAP. IX.

The Statutes of 23 EDW. 3. *cap.* 1. and 25 EDW. 3. *Stat.* 1. *cap.* 1 & 2. touching Labourers, Carpenters, Maſons, *&c.* confirmed.

Rep. 5 Eliz. c. 4.

CAP. X.

The Puniſhment of Labourers, *&c.* departing from their Service into another County.

Rep. 5 Eliz. c. 4.

CAP. XI.

If a Labourer or Servant do flee to a City or Borough, the chief Officer upon Requeſt ſhall deliver him up.

Rep. 5 Eliz. c. 4.

CAP. XII.

There ſhall be no Forfeiture of Lands for Treaſon of dead Perſons not attainted.

ITEM come la communalte ſe eit pleint des eſchetours queux par colour de lour office ont ſeiſiz pluſours terres & tenementz come forfaites au Roi pur treſon ſurmys en perſones mortes qe unqes ne furent atteintes en lour vies le Roi en ad bon regard. Mes porce qil & ſes progenitours ont eſte ſeiſiez des forfaitures de guerre de tout temps le Roi ne ſe voet ouſter de tiel droit dont il trova ſa Corone ſeiſi & cel droit voet continuer de tieux forfaitures eſcheues en ſon temps & en temps ſon piere en la manere come ad eſte uſee nientmeins de ſa grace eſpeciale il voet & graunte qe de tieux forfaitures eſcheues en temps ſon ael & touz ſes progenitours pardevant a pluiſtoſt qenqueſt ent ſerra retourne en Chancellerie par eſchetour ou autre qi poair an denquere qe le tenant ne ſoit pas ouſte de ſa poſſeſſion mes ſoit garny par Scire facias deſtre au certein jour de reſpoundre a cel Scire facias ſil voudra. Et ſi nulle tiele forfaiture ſoit ore ou ſerra ſeiſe de cel temps qe la main le Roi ent ſoit ouſte Iſſint totes voies qen touz autres cas de forfaiture de treſon des perſones mortz nient atteintz ne juggez en lour vies ne ſoient pas lour heires ne lour terre tenantz empeſchez ne chalangez ne de nulle autre forfaiture forſpriſes les forfaitures aunciene-ment ajuggez apres la mort des perſones par preſentementz en Eyre ou en Baunk le Roi come des felons de ſoi & autres.

"ITEM, Whereas the Commons have complained "them of Eſcheators, which by Colour of their "Office have ſeiſed divers Lands and Tenements as "forfeit to the King for Treaſon ſurmiſed in dead "Perſons, which were never attainted of Treaſon in "their Lives, the King thereof hath good Regard; "but becauſe he and his Progenitors have been ſeiſed "of the Forfeitures of Wars of all Times, the King "will not exclude himſelf of ſuch Right, whereof he "found his Crown ſeiſed, and will continue his Right "of ſuch Forfeitures fallen in his Time, and in the "Time of his Father, in the Manner as hath been "uſed." 'Nevertheleſs of his ſpecial Grace he will 'and granteth, That of ſuch Forfeitures fallen in the 'Time of his Grandfather, and all his Progenitors 'before, as ſoon as an Inqueſt ſhall be thereof return-'ed in the Chancery by the Eſcheators, or other 'which have Power to inquire, that the Tenant ſhall 'not be put out of his Poſſeſſion, but ſhall be warned 'by *Scire facias*, to be at a certain Day to anſwer to 'his *Scire facias*, if he will. And if any ſuch For-'feiture be now, or ſhall be ſeiſed of the ſame Time, 'that the King's Hand ſhall be out thereof; ſo al-'ways, that in all other Caſes of Forfeiture for Trea-'ſon of dead Perſons not attainted or judged in 'their Lives, their Heirs, nor their Land-Tenants 'ſhall not be impeached nor challenged, nor of any 'other Forfeiture, except the Forfeitures in old Time 'judged after the Death of the Perſons by Preſentment 'in Eyre, or in the King's Bench, as of Felons of 'themſelves and other.'

3 Inſt. 12.

Fitz. Petition. 2. *Enforced by* 46 Ed. 3. *for which ſee Appendix.*

CAP.

CAP. XIII.

By what People, and in what Place and Manner, an Eſcheator ſhall take his Inqueſt.

Dyer 169, 173.

'ITEM it is accorded, That every Eſcheator ſhall take his Inqueſts of his Office of good People and lawful, which be ſufficiently inherited and of good Fame, and of the ſame County where the Inquiry ſhall be; and that the Inqueſts ſo taken be indented betwixt the Eſcheators and the Jurors; and if it be otherwiſe done, that ſuch Inqueſts be holden for void. And the King will, that ſuch Inqueſts be taken in good Towns openly, and not privily.'

Enforced and amended by 36 Ed. 3. *ſtat.* 1. c. 13. 23 H. 6. c. 16. *and* 1 H. 8. c. 8. *which is made perpetual by* 3 H. 8. c. 2.

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ITEM acorde eſt qe cheſcun eſchetour preigne ſes enqueſtes de ſon office des bones gentz & ſoialx qe ſoient enheritez ſufficealment & de bone fame & de meſme le countee ou lenquerre ſe ſerra & qe les enqueſtes iſſint priſes ſoient endentez entre les eſchetours & les jurrours & ſi autrement ſoit fait qe tieles enqueſtes ſoient tenuz pur nulles. Et le Roi voet qe tieles enqueſtes ſoient priſes en bones villes overtement & nemie en prive.

CAP. XIV.

In what Court Traverſes of Offices found before Eſcheators ſhall be tried.

OBS. 12 Car. 2. c. 24.

ITEM acorde eſt qe ou terres ou tenementz ſoient ſeiſiz en la main le Roi par office deſchetour contenant qe le tenant le Roi en fiſt alienation ſanz conge le Roi ou qe le tenant le Roi par ſervice de chivaler moruſt ſeiſi des terres & tenementz avantditz en ſon demeſne come de fee & ſon heir deinz age & puis la cauſe certifie en la Chauncellerie & cellui qi terres ſont ſeiſitz vieigne en Chauncellerie & voet traverſer loffice qe fut primes pris par mandement du Roi qe les dites terres ne ſoient mie ſeiſables ſoit il a ceo receu & ſoit le proces mande en banc le Roi a trier & outre faire droit.

CAP. XV.

A Confirmation of Alienations made by the Tenants of King *Henry* the Third, &c.

CAP. XVI.

Non-claim of Fines ſhall hereafter be no Bar.

Co. Lit. 262. a. See 4 H. 7. c. 24. *and* 32 H. 8. c. 36. *which expounds the foregoing.*

'ITEM it is accorded, That the Plea of *Non-claim* of Fines, which from henceforth be to be levied, ſhall not be taken nor holden for any Bar in time to come.'

ITEM eſt acorde qe plee de Noun claym des fins qe ſont deſore a lever ne ſoit pris ne tenuz pur barre en temps avenir.

CAP. XVII.

Merchandiſes may be carried into and brought out of *Ireland*.

'ITEM it is accorded, That all the Merchants, as well Aliens as Denizens, may come into *Ireland* with their Merchandiſes, and from thence freely to return with their Merchandiſes and Victuals without Fine or Ranſom to be taken of them, ſaving always to the King his antient Cuſtoms and other Duties.'

ITEM acorde eſt qe touz marchantz ſibien aliens come denzeins puiſſent venir en Irlande ove lour marchandiſes & dilloeqes retournir franchement ove lour marchandiſes & vitailles ſaunz fin ou raunceon prendre de eux ſauve totesfoitz au Roi ſes auncienes cuſtumes & autres devoirs.

CAP. XVIII.

They which have Lands in *Ireland*, may carry their Goods thither, and bring them again.

17 *Ed.* 1. *c.* 3.

Repealed as to Cattle, by 18 Car. 2. c. 2. *which is made perpetual by* 32 Car. 2. c. 2. *ſec.* 2. *And ſee Index, tit.* Ireland.

'ITEM, That the People of *England*, as well Religious as other, which have their Heritage and Poſſeſſions in *Ireland*, may bring their Corn, Beaſts, and Victuals to the ſaid Land of *Ireland*, and from thence to recarry their Goods and Merchandiſes into *England*, freely without Impeachment, paying their Cuſtoms and their Devoirs to the King.'

ITEM qe gentz dEngleterre ſibien religiouſes come autres qont lour heritages & poſſeſſions en Irlande puiſſent mener lour bledz beſtes & vitailles a la dite terre dIrland & dilloeqes remener lour biens & marchandiſes en Engleterre franchement & ſaunz empeſchement paiant lour cuſtumes & autres devoirs au Roi.

CAP.

CAP. XIX.

No Cuſtom or Subſidy ſhall be paid for Canvas to pack Wooll in.

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ITEM porce qe les marchantz aliens & denzeins par une malveiſe cuſtume leve de novel ont eſte conſtreintz de paier cuſtume & ſubſide pur lour canevace deins quel lour leines ſont packes Acorde eſt qe tieu canevace enſemblement ove lour corners lour ſoient deſore alloues ſanz ent paier cuſtume ou ſubſide.

"ITEM, Becauſe that Merchants Aliens, and "Denizens, by an evil Cuſtom riſen of late, have "been conſtrained to pay Cuſtom and Subſidy for "their Canvas, with which their Woolls be packed;" 'it is accorded, That ſuch Canvas with their Corners 'ſhall from henceforth be allowed to them without 'paying Cuſtom or Subſidy for the ſame.'

CAP. XX.

No Corn ſhall be tranſported but to *Calais* and *Gaſcoign*.

Repealed by 21 Jac. 1. c. 28.

CAP. XXI.

A Confirmation of a former Grant to Denizens to tranſport Wooll beyond Sea.

EXP.

CAP. XXII.

How he ſhall uſe another Man's Hawk that taketh it up.

ITEM ordine eſt en ceſt parlement qe queconqe perſone qe troeve faucon terſelet lanere ou laneret auſtoure ou autre faucoun qe ſoit perdu de lour Seignur qe maintenant il lapporte au viſcount du countee & qe le viſconte face proclamation en toutes les bones villes du countee qil ad un tiel faucoun en garde. Et ſi le Seignur qi le perdi ou aucun des ſoens viegne pur lui chalenger & proeve reſonablement qe ce eſt a ſon Seignur paie pur ſes couſtages & eit le faucon. Et ſi nully viegne deins les quatre mois pur lui chalenger qadonqes le viſconte eit le faucon feſant gree a cellui qi le priſt ſil ſoit ſimples homme & ſil ſoit gentils homme deſtat davoir faucoun que le viſconte rebaille al lui le dit faucoun parnant de lui reſonables couſtages pur le temps qil lavoit en garde. Et ſi null eit pris tiel faucoun & le concele du Seignur a qui il eſtoit ou a ſes fauconers ou qi qe lemporte du Seignur & de ce ſoit atteint eit la priſon de deux anns et rend au Seignur le pris du faucoun iſſint concele ou emporte ſil eit de quoi et ſi noun eit pluis longe demoure en priſon.

'ITEM it is accorded in this preſent Parliament, 'That every Perſon which findeth a Faulcon, Ter'celet, Laner, or Laneret, or other Hawk that is loſt 'of their Lord, that preſently he bring the ſame to 'the Sheriff of the County, and that the Sheriff make 'Proclamation in all the good Towns in the County, 'that he hath ſuch a Hawk in his Cuſtody. And if 'the Lord which loſt the ſame, or any of his People 'come to challenge it, and proveth reaſonably that 'the ſame is his Lord's, let him pay for the Coſts, 'and have the Hawk. And if none come within 'four Months to challenge it, that then the Sheriff 'have the Hawk, making gree to him that did take 'him, if he be a ſimple Man; and if he be a Gentle'man, and of Eſtate to have the Hawk, that then the 'Sheriff redeliver to him the Hawk, taking of him 'reaſonable Coſts for the Time he had him in his 'Cuſtody. And if any Man take ſuch Hawk, and 'the ſame conceal from the Lord whoſe it was, or 'from his Faulconers; or whoſoever taketh him from 'the Lord, and thereof be attainted, ſhall have Im'priſonment of two Years, and yield to the Lord the 'Price of the Hawk ſo concealed and carried away, 'if he have whereof, and if not, he ſhall the longer 'abide in Priſon.'

Enforced by 37 Ed. 3. c. 19. *which makes the Offence Felony.*

An Ordinance of Herring, made Anno 35 EDW. III. *and* Anno Dom. 1360.

All Perſons may buy Herring in the Fair at *Yarmouth* openly, and not privily. No Man ſhall enter into a Bargain of Herring until the firſt Chapman have done with it.

Cotton *MS. Nero*, C. 1.

EDWARD par la grace de Dieu Roi dEngleterre Seignur dIrlande & dAquitaigne a touz ceux as queux ceſtes lettres vendront ſaluz. Coment qe nadgairs a procurement daſcuns feſantz entendre a nous & noſtre conſeil qe par cauſe qe les hoſtes de noſtre ville de Grande Jernemuth qi

"THOUGH that late at the Procurement of "ſome giving us and our Council to underſtand, "that becauſe that the Hoſts of our Town of

"*Great*

" *Great Yarmouth*, which lodge the Fiſhers coming
" there with their Herring, in the Time of the Fair,
" will not ſuffer the ſaid Fiſhers to ſell their Herrings,
" nor to meddle with the Sale of the ſame, but ſell
" them at their own Will as dear as they will, and
" give the Fiſhers that pleaſeth them, ſo that the Fiſh-
" ers do withdraw themſelves to come there, and the
31 Ed. 3. ſtat. 2. c. 1. 2. " Herring was ſet at a greater Dearth than it was be-
" fore; amongſt other Things it was ordained by us
" and our Council that the ſaid Fiſhers of Herring
" ſhould be free to ſell their Herring to all People
" that will come to the ſaid Fair of *Yarmouth*, without
" any Diſturbance of their Hoſts or any other. And
" when the ſaid Fiſhers would ſell their Merchan-
" diſes in the Port, they ſhould have their Hoſts
" with them, if they would be there, and in their
" Preſence, and in the Preſence of other Merchants
" openly ſhould ſell their Merchandiſes to whom they
" pleaſed; and if other Merchants preſent would
" have Part of the ſaid Merchandiſes, every of them
" ſhould have for his Part upon the Price after the
" Rate of the ſame Merchandiſes ſo ſold; and the ſaid
" Sale ſhall be made from the Sun-riſing till the Sun
" going down, and not before nor after; and that no
" Hoſtelers, nor other, buy Herring to hang in his
" Houſe by Covin, nor in other Manner, at an higher
" Price the Laſt than forty Shillings; Nevertheleſs,
" becauſe it is ſhewed to us and to our Council by
" Petition in this preſent Parliament, that the Sale
" of Herring is much decayed, and the People great-
" ly endamaged by the Points aforeſaid, that is to
" ſay, that many Merchants coming to the Fair, as
" well Labourers and Servants, as other, do bargain
" for Herring, and every of them by Malice and Envy
" increaſe upon other, and if one proffer forty Shil-
" ling, another will proffer ten Shillings more, and
" the third ſixty Shillings, and ſo every one ſurmount-
" eth other in the Bargain, and ſuch Proffers extend
" to more than the Price of the Herring upon which
" the Fiſhers proferred it to ſell at the Beginning:
" And when every Man who claimeth his Part of the
" Herring for the Price accorded, he ſhall have his
" Part, and the Herring ſhall be ſo divided amongſt
" them, that the Fiſher is ſo much grieved and delayed
" in the gathering of his Money, that he ſhould de-
" mand of ſo many Perſons, that he leeſeth his Tides
" and the Advantage of his Fiſhing; and alſo here-
" in, that no freſh Herring is put on Sale but from
" the Sun-riſing till the Sun going down, and not be-
" fore nor after, which is to the great Loſs of Fiſhers,
" and appairing of the Herring, and Damage of the
" People that ſhall buy the ſame; for the Fiſhing is
" more by Night than by Day, and often it chanceth,
" that the Fiſhers be ſo long and ſo charged, that they
" come to the Town after Sun going down, or little
" before, ſo that they cannot ſell their Herring in the
" Time for the Sale limited, ſo that they muſt abide
" all the Night and the Day after upon the Sale of
" their Herring, and loſe many Tides and Profits of
" their Fiſhing:" 'We perceiving the Miſchiefs and
All Perſons may buy Herring in the Fair-time at Great Yarmouth, openly. ' Grievances aforeſaid, by the Advice and Aſſent
' of our Parliament, will and grant, that it ſhall be
' lawful to every Man, of what Condition that he be,
' Merchant or other, to buy Herring openly, and not
' privily, at ſuch Price as may be agreed betwixt him
' and the Seller of the ſame Herring; and that no

Cotton *MS.*

herbergent les peſchours venantz illoeqs ad lour harang en temps de feire ne voleient ſoeffrir les ditz peſcheours vendre lour harang ne meller de la vente dicelle eins le vendent a lour volente demeſne ſi chier come ils voleient & donerent as peſcheours ce qe lour pluſt ſi qe les peſcheours ſe retreherent de venir illoeqes & le harang feuſt mys a plus grant chiertee qe devant ne feuſt entre autres choſes ordine eſtoit par nous & noſtre conſeil qe les ditz peſcheours de harang ſerroient francs de vendre lour harang as toutes gentz qe vorroient venir a la dite faire de Grand Jernemuth ſanz nulle deſturbance de lour hoſtes ou autres queconqes & quant les ditz peſcheours voudroint vendre en port lour marchandiſes averoient lour hoſtes oveſqe eux ſils y voudroient eſtre & en lour preſence & en preſence dautres marchantz en apert vendroient lour marchandiſes a qi qe lour pluſt & ſi autres marchandz preſentz voudroient avoir part des dites marchandiſes cheſcun averoit ent ſa part pur le pris ſolonc lafferant de meſmes les marchandiſes iſſint vendues & ſerroit la dite vente faite de ſolail levant tanqe a ſolail reſcours & nemie devant napres & qe nul hoſte nautre nachatereit harang pur pendre en meſon par covine nen autre manere plus haut le laſt de qarant ſoldz & nientmeinz pur ceo qe monſtre eſt a nous & a noſtre conſeil par petition en ceſt preſent parlement qe la vente de harang eſt mout encherri & le poeple grantement endamage per les pointz ſuſditz ceſt aſſavoir qe pluſurs marchantz venantz a la feire ſibien laborers & ſervantz come autres bargainent le harang & cheſcun de eux par malice & par envie encreſt ſur autre & ſi un profre qarant ſoldz un autre profre dys ſoldz plus & le tiertz ſeiſant ſoldz & iſſint cheſcun ſurmount autre en le bargaine tiels profres ſe extendent a plus qe le pris del harang pur quel le peſcheour lentendiſt a vendre a comencement & quaunt cheſcun qe clamera part del harang pur le pris acorde avera ſa part & le harang ſerra iſſint departi entre eux le peſcheour eſt tante greve & tarie pur la coillet de ſon argent quel il demanderoit des tantes perſones qil perde ſes marrez & lavantage de ſa peſcherie & auſſint en ceo qe nul harang freſch ne ſoit mis a vent fors de ſolail levant tanqe a ſolail reſcours & noun pas devant napres ceo eſt a grante perte des peſcheurs & apeirement del harang & damage du poeple qe lachata qar le peſcherie eſt plus par nuyt qe par jour & ſovent avient qe les peſcheours ſont ſi loins & ſi chargez qil viegnent a la ville apres le ſolail reſcours ou poi devant iſſint qils ne purront lour harang vendre au temps ſur ceo limite ſi qe il lour couviendra demorer tout la nuyt & le jour apres ſur la vente de lour harang & perderont pluſeurs marrez & le profit de lour peſcherie nous attendantz les grevances & meſchiefs avantditz par avis & aſſent de noſtre dit parlement volons & grantons qe bien liſe a cheſcun homme de quel condition qil ſoit marchant ou autre dachatre harang en apert & non pas privement a tiel pris come purra eſtre acorde entre lui & le vendour de meſme

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Cotton *MS.*

le harang & qe nul entre en bargain ſur lachate de harang tant come celui qe vient primer pur bargainer avera fini ſon bargain greable a vendour & qe nulli proſre encrees ſur autre durant le primer bargain ſur peine de forfaire devers nous le double de ſon profre mes eit cheſcun le harang iſſint achate ſolom ſon bargain ent faite. Et qe cheſcun peſcheour peuſſe vendre & deliverer ſon harang & peſſon a cheſcun marre quant il viendra a la dite ville de Grande Jernemuth ſanz aſcun deſtourbance ou empeſchement nient contreſteant nulle ordenance avant ces houres faite ou contraire. En teſmoignance de quelle choſe nous avons fait faire ceſtes noz lettres patentes. Don' a Weſtm' le vintiſme jour de Feverer lan de noſtre regne trente quint.

Per ipſum Regem & Concilium in parliamento.

'Man enter in Bargain upon the buying of the ſame, till he that firſt cometh to bargain ſhall have an End of his Bargain agreeable to the Seller, and that none increaſe upon other during the firſt Bargain, upon Pain of Forfeiture to us the double of his Proffer; but every Man ſhall have the Herring ſo bought, according to the Bargain thereof made. And that every Fiſher may deliver and ſell his Herring and Fiſh at every ¶ Mart, when he cometh to the ſaid Town of *Great Yarmouth*, without any Diſturbance or Impeachment, notwithſtanding any Ordinance made to the contrary before this Time. In Witneſs whereof we have cauſed theſe our Letters Patents to be made. Given at *Weſtminſter* the twentieth Day of *February*, in the five and thirtieth Year of our Reign of *England*.'

No Man ſhall enter into a Bargain of Herring until the firſt Chapman hath done with it.

A Fiſher may ſell his Herring at any Time when he cometh with it.

¶ Tide.

For farther Regulations ſee Index, tit. Fiſh, Herrings.

Statutes made at Weſtminſter, Anno 36 EDW. III. *and* Anno Dom. 1362.

Ex Rot. in Turr. Lond. *m.* 8.

AL honour & pleiſance de Dieu & amendement des outraites grevances & oppreſſions faitz au poeple et en relevement de lour eſtat le Roi EDWARDI a ſon parlement tenuz a Weſtmonſtier a la quinzime Seint Michel lan de ſon regne trente ſiſme a la requeſte de ſa commune par lour petitions bailleez a lui en le dit parlement par aſſent des Prelatz Ducs Countes Barons & autres grantz au dit parlement aſſemblez ad graunte pur lui et ſes heirs a touz jours les articles ſouzeſcriptz.

"TO the Honour and Pleaſure of God, and Amendment of the outrageous Grievances and Oppreſſions done to the People, and in Relief of their Eſtate, King EDWARD at his Parliament holden at *Weſtminſter* in the Fifteenth of St. *Michael*, the ſix and thirtieth Year of his Reign, at the Requeſt of his Commons by their Petition delivered to him in the ſaid Parliament, by Aſſent of the Prelates, Dukes, Earls, Barons, and other Great Men in the ſaid Parliament aſſembled, hath granted for him and his Heirs for ever the Articles underwritten."

CAP. I.

A Confirmation of all former Statutes.

PRemerement qe la Grand Chartre & la Chartre de la Foreſte et les autres eſtatutz faitz en ſon temps & en temps de ſes progenitours ſoient bien & fermement tenuz & gardez es touz pointz.

'FIrſt, that the Great Charter and the Charter of the Foreſt, and the other Statutes made in his Time, and in the Time of his Progenitors, be well and ſurely holden and kept in all Points.'

CAP. II.

No Purveyance but for the King and Queen. The Name of *Purveyor* changed into *Buyer*. Ready Payment ſhall be made of Things purveyed, and they ſhall be appraiſed. O B. *by* 12 Car. 2. c. 24.

CAP. III.

The Penalty of a Purveyor which ſhall receive a Reward to ſpare or charge one.

CAP. IV.

Commiſſions ſhall be awarded to inquire of Purveyors Behaviour. O B. *by* 12 Car. 2. c. 24.

CAP. V.

None ſhall keep any more Horſes for the King than be aſſigned unto him.

ITEM qe nul homme des ditz deux hoſteulx tiegne plus des chivaulx en ſa livere ou les hoſteulx ſerront qe neſt ordeigne par eſtatut del hoſtel le Roi & ſi nul face autrement ſoit des chivaulx trovez outre le noumbre a lui attitle par le dit eſtatut fait come le ſtatut voet. Et qe nul homme des ditz deux hoſteulx de queconqe 14 Ed. 3. c. 19.

Ex Rot. in Turr. Lond.

conqe eſtat ou condition qil ſoit eit purveour ou forgoer de faire nulle purveance ne priſe pur nul homme des ditz deux hoſteulx mes qe eux ou lour gentz achatent ce qe lour buſoigne de eux qe le voillent de lour bon gree vendre & paient preſtement en main ſelonc ce qils purront acorder ove le vendour & ſils facent en autre manere ſoit fait de eux tiel puniſſement come deſus eſt dit des achatours. Et qe veneours fauconers ſerjantes darmes & touz autres qe ſont as gages ou apportenantz as ditz deux hoſteulx eient meſme la penance ſils veignent a lencountre.

The King's Hunters, Faulkners, and Serjeants at Arms.

CAP. VI.

Enforced by 7 R. 2. c. 8. 23 H 6. c. 13. *Obſ. by* 12 Car. 2. c. 24.

No Subject's Chator ſhall buy any Thing againſt the Owner's Conſent.

CAP. VII.

Of what Things the Mayor and Conſtable of the Staple ſhall take Cognizance.

O B. 27 Ed. 3. ſtat. 2. c. 8.

ITEM coment qe ordeigne ſoit par leſtatut de leſtaple qes les meirs & coneſtables de les eſtaples eient juriſdiction & coniſſance deins les villes ou les eſtaples ſont des gentz & de toute manere des choſes touchantz leſtaple & des felonies mahemes & treſpaſs faitz deins leſtaple acorde eſt & aſſentu qe les ditz meirs & coneſtables averont coniſſance tantſoulement des dettes covenantes & contractes & toutes autres plees touchantz marchandie & ſeurete de marchandie entre marchant & marchant qe ſont pur marchantz conuz & proces de felonies & des touz autres plees ſibien deinz leſtaple come dehors ſoient a la commune leye come feurent devant la feſance de leſtatut de leſtaple nient contreſteant meſme leſtatute ſauve toutesfoitz qe les marchantz aliens ſoient ils pleintifs ou defendantz puiſſent ſuer lour pleintz & quereles ſibien de treſpas come autres les quels qils voillent devant le meir de leſtaple par la ley de leſtaple ou aillours a la commune ley come eſt contenu en le dit eſtatut de la ſtaple et qe le Roi & touz autres Seignurs deinz lour Seignuries eient & enjoient lour fraunchiſes juriſdictions & privileges come ils avoient avant meſme leſtatut fait iſſint toutesfoitz qe le meir de leſtaple eit poair de prendre reconiſſance des dettes de queconqes perſones ſoit il marchant ſoit il autre en meſme la manere come eſt contenuz en meſme leſtatut de leſtaple.

Merchants Aliens may proſecute their Suits before the Mayor of the Staple, or at the Common Law. 27 Ed. 3. ſtat. 2. c. 9. *See* 23 H. 8. c. 6. *for the Power of the Mayor of the Staple.*

CAP. VIII.

Altered by 2 H. 5. ſtat. 2. c. 2. Repealed by 21 Jac. 1. c. 28.

A Penalty impoſed by the Biſhop upon Prieſts taking more Wages than is aſſigned. What Wages a Pariſh Prieſt may take.

CAP. IX.

Whoſoever is grieved againſt theſe Statutes, &c. ſhall have Relief in Chancery.

'ITEM, If any Man that feeleth himſelf grieved 'contrary to any of the Articles above written, or 'others contained in divers Statutes, will come into 'the Chancery, or any for him, and thereof make his 'Complaint, he ſhall preſently there have Remedy by 'Force of the ſaid Articles and Statutes, without 'elſewhere purſuing to have Remedy.'

2 Inſt. 553.

ITEM ſinul homme ſe ſente greve au contreire de nul des articles deſſus eſcriptz ou autres contenuz en diverſes eſtatutz & viegne en la Chancellerie ou aucun pur lui & de ce face ſa pleinte eit maintenant illoeqes remedie par force des ditz articles & eſtatutz ſanz aillours purſuer pur remedie avoir.

CAP. X.

A Parliament ſhall be holden once in the Year.

'ITEM, For Maintenance of the ſaid Articles and 'Statutes, and Redreſs of divers Miſchiefs and 'Grievances which daily happen, a Parliament ſhall 'be holden every Year, as another Time was or-'dained by Statute.'

4 Inſt. 9. 4 Ed. 3. c. 11.

ITEM pur meintenance des ditz articles & eſtatutz & redreſſer diverſes meſchiefs & grevances qe viegnent de jour en autre ſoit parlement tenuz cheſcun an ſicome autrefoitz eſtoit ordeigne par eſtatut.

Altered by 16 Car. 2. c. 1. *and* 6 *W. & M. c.* 2. *which direct triennial Parliaments; and farther by* 1 *Geo.* 1. *c.* 38. *which directs ſeptennial Parliaments.*

CAP. XI.

EXP

The three Years Subſidy formerly granted ſhall be no Example for the future. All Merchants may tranſport Woolls.

CAP. XII.

At what Times the four Seſſions of Juſtices of Peace ſhall be holden.

Enforced by 12 R. 2. c. 10. 2 H. 5. ſtat. 1. c. 4.

ITEM qe en les commiſſions des Juſtices de la pees & des laborers ſoit faite expreſſe mention qe meſmes les Juſtices facent lour ſeſſions quaterfoitz par an ceſtaſſavoir une ſeſſion deinz les octaves de la Tiphanie la ſecunde deinz la ſecunde ſimaigne de demy Careſme le tierce entre les feſtes de Pentecoſte & de Seint Johan Baptiſtre le quart deinz les oet jours de Seint Michel.

CAP.

CAP. XIII.

An Eſcheator ſhall have no Fee, nor commit Waſte in Wards Lands. Lands ſeiſed upon an Inqueſt taken before an Eſcheator, ſhall be letten to Ferm.

Ex Rot. in Turr. Lond.

ITEM pur la grevouſe pleintie qe le Roi ad oie de ſon poeple de ſes eſchetours & de lour mal port il voet & ad ordeigne del aſſent avantdit qe terres ſeiſiez en ſa mein pur cauſe de garde ſoient ſauvement gardez ſanz waſt ou deſtruction et qe leſchetour eit nul fee de bois veniſon ne peſſon nautre rien mes reſpoigne au Roi des iſſues & profitz annuels provenantz des ditz terres ſanz waſt ou deſtruction faire et ſil face autrement & de ce ſoit atteint ſoit reint a la volente le Roi & rende al heir les damages au treble a ſa propre ſute ſibien deins age come de pleine age & eient les amys tant come il eſt deinz age la ſute pur lui reſpoignantz au dit heir de ce qe ſerra iſſint recovery. Auxint des autres terres ſeiſiez en la mein le Roi par enqueſte doffice priſe devant les eſchetours teigne meſme ceſte ordeignance & penance devers les eſchetours. Et ſil eit nul homme qe mette chalenge ou claym as terres iſſint ſeiſiez qe leſchetour mande lenqueſte en la Chancellerie deinz le mois apres les terres iſſint ſeiſies et q[illegible] brief lui ſoit livere de certifier la cauſe de ſa ſeiſine en Chancellerie & illoeqes ſoit oie ſanz delay de traverſer loffice ou autrement monſtrer ſon droit et dilloeqes mande devant le Roi affaire finale diſcuſſion ſanz attendre autre mandement. Et en cas qe aſcun veigne devant le Chanceller et monſtre ſon droit pur quele demonſtrance par bones evidences de ſon auncien droit et bon title qe le Chanceller par ſa bone diſcretion et avis de conſeil ſi lui ſemble qil buſoigne avoir conſeil qil leſſe et baille les terres iſſint en debat au tenant rendant ent au Roi la value ſi au Roi appartient en manere come il et les autres Chancellers devant lui ont fait devant ces heures de lour bone diſcretion iſſint qil face ſeurete qil ne fra waſt ne deſtruction tanqe il ſoit ajugge. Et qe les ditz eſchetours preignent tieles enqueſtes en les bones villes et par bones gentz et ce overtement et par endentures affaires entre les ditz eſchetours et ces de les enqueſtes come autrefoitz fuiſt ordeigne par eſtatut. Et ſi nul eſchetour face au contraire de ceſte ordeignance ſuſdite eit la priſone de deux anns et outre ſoit reint a la volente le Roi.

" ITEM, For grievous Complaint that the King " hath heard by his People of his Eſcheators, and " of their evil Behaviour;" ' he will and hath ordained of the Aſſent aforeſaid, That Lands ſeiſed into ' his Hands becauſe of Ward, ſhall be ſafely kept ' without Waſte or Deſtruction; and that the Eſcheator have no Fee of Wood, Fiſh, nor of Veniſon, nor other Thing, but ſhall anſwer to the King ' of the Iſſues and Profits yearly coming of the ſaid ' Lands, without doing Waſte or Deſtruction; and if ' he do otherwiſe, and thereof be attainted, he ſhall be ' ranſomed at the King's Will, and yield to the Heir ' the treble Damages at his own Suit, as well within ' Age, as of full Age; and his Friends, as long as he ' is within Age, ſhall have the Suit for him, anſwering ' to the ſaid Heir of that which ſhall be ſo recovered. ' Alſo of other Lands ſeiſed into the King's Hands by ' Inqueſt of Office taken before the Eſcheators, this ' Ordinance and Penance ſhall hold Place againſt the ' Eſcheators. And if there be any Man that will make ' Claim or Challenge to the Lands ſo ſeiſed, that the ' Eſcheator ſend the Inqueſt into the Chancery with- ' in the Month after the Lands ſo ſeiſed, and that a ' Writ be delivered to him to certify the Cauſe of his ' Seiſin into the Chancery, and there he ſhall be heard ' without Delay to traverſe the Office, or otherwiſe to ' ſhew his Right, and from thence ſent before the ' King to make a final Diſcuſſion, without attending ' other Commandments. And in caſe that any come ' before the Chancellor, and ſhew his Right, by which ' ſhewing by good Evidences of his antient Right and ' good Title, the Chancellor by his good Diſcretion ' and Advice of Counſel (if it ſeem expedient to him ' to have Counſel) ſhall let and demiſe the Lands ſo ' in Debate to the Tenant, yielding thereof to the ' King the Value, if it pertain to the King, in the ' Manner as he and the other Chancellors before him ' have done in Times paſt of their good Diſcretion, ' ſo that he find Surety that he ſhall do no Waſte nor ' Deſtruction, till it be judged. And that the ſaid Eſ- ' cheators take ſuch Inqueſts in the good Towns and ' of good People, and that openly and by Indentures ' to be made between the ſaid Eſcheators and them of ' the Inqueſts, as another Time was ordained by a ' Statute. And if any Eſcheator do to the contrary of ' this ſaid Ordinance, he ſhall have two Years Im- ' priſonment, and moreover he ſhall be ranſomed at ' the King's Will.'

9 H. 3. ſtat. 1. c. 4 28 Ed. 1. ſtat. 3. c. 18. 14 Ed. 3. ſtat. 1. c. 13. Regiſt. 72. 4 Co. 57. Cro. El 523. *Obſ. as to Wardſhip by* 12 *Car.* 2. c. 24.

13 Ed. 4. c. 8. 4 Co. 59.

Land ſeiſed into the King's Hands by an Eſcheator ſhall be let to Ferm to him which tendereth a Traverſe to the Office.

34 Ed. 3. c. 14. 8 H. 6. c. 16. 23 *H.* 6. *c.* 16.

By what Sort of People, in which Place, and in what Manner, an Eſcheator ſhall take his Inqueſts.

1 H. 8. c. 8.

CAP. XIV.

The Fines and Amerciaments of Labourers, Artificers, and Servants, ſhall be to the Uſe of the Commons and diſtributed among them, during three Years. EXP.

CAP. XV.

Pleas ſhall be pleaded in the *Engliſh* Tongue, and inrolled in *Latin*.

ITEM pur ce qe monſtre eſt ſoventfoitz au Roi par Prelatz Ducs Counts Barons et tout la communalte les grantz meſchiefs qe ſont advenuz as

" ITEM, Becauſe it is often ſhewed to the King by " the Prelates, Dukes, Earls, Barons, and all the " Commonalty, of the great Miſchiefs which have happened

Enforced and extended by 4 Geo. 2. c. 26. *and* 6 Geo. 2. c. 14.

" happened to divers of the Realm, becauſe the Laws, " Cuſtoms, and Statutes of this Realm be not " commonly known in the ſame Realm, for that " they be pleaded, ſhewed, and judged in the *French* " Tongue, which is much unknown in the ſaid Realm, " ſo that the People which do implead, or be implead- " ed, in the King's Court, and in the Courts of other, " have no Knowledge nor Underſtanding of that which " is ſaid for them or againſt them by their Serjeants " and other Pleaders; and that reaſonably the ſaid " Laws and Cuſtoms the rather ſhall be perceived and " known, and better underſtood in the Tongue uſed " in the ſaid Realm, and by ſo much every Man of " the ſaid Realm may the better govern himſelf with- " out offending of the Law, and the better keep, ſave, " and defend his Heritage and Poſſeſſions: And in " divers Regions and Countries, where the King, the " Nobles, and other of the ſaid Realm have been, " good Governance and full Right is done to every " Perſon, becauſe that their Laws and Cuſtoms be " learned and uſed in the Tongue of the Country:"

' The King, deſiring the good Governance and ' Tranquillity of his People, and to put out and eſ- ' chew the Harms and Miſchiefs which do or may hap- ' pen in this Behalf by the Occaſions aforeſaid, hath ' ordained and ſtabliſhed by the Aſſent aforeſaid, that ' all Pleas which ſhall be pleaded in any Courts what- ' ſoever, before any of his Juſtices whatſoever, or in ' his other Places, or before any of his other Miniſters ' whatſoever, or in the Courts and Places of any other ' Lords whatſoever within the Realm, ſhall be pleaded, ' ſhewed, defended, anſwered, debated, and judged in ' the *Engliſh* Tongue, *and that they be entered and in- ' rolled in Latin*; and that the Laws and Cuſtoms of ' the ſame Realm, Terms, and Proceſſes, be holden ' and kept as they be and have been before this Time; ' and that by the ancient Terms and Forms of the ' Declarations no Man be prejudiced, ſo that the ' Matter of the Action be fully ſhewed in the Decla- ' ration and in the Writ. And it is accorded by the ' Aſſent aforeſaid, that this Ordinance and Statute of ' Pleading begin and hold Place at the Fifteenth of St. ' *Hillary* next coming.'

Old Terms and Forms ſhall be obſerved in Pleading. Cro. El. 85. 10 Co. 132. Co. Lit. 304.

Ex Rot. in Turr. Lond.

pluſours du realme de ce qe les leyes cuſtumes & eſtatuz du dit realme ne ſont pas conuz communement en meſme le realme par cauſe qils ſont pledez monſtrez & juggez en la lange Franceis qeſt trop deſconue en le dit realme iſſint qe les gentz qe pledent ou ſont empledez en les courtz le Roi & les courtz dautres nont entendement ne coniſſance de ce qeſt dit pur eulx ne contre eulx par lour Sergeantz & autres pledours & que reaſonablement les dites leyes & cuſtumes ſerront le plus toſt apris & conuz & mieultz entenduz en la lange uſee en le dit realme & par tant cheſcun du dit realme ſe purroit mieultz governer ſanz faire offenſe a la leye & le mieultz garder ſauver & defendre ſes heritages & poſſeſſions & en diverſes regions & paiis ou le Roi les nobles & autres du dit realme ont eſte eſt bon governement & plein droit fait a cheſcun par cauſe qe lour leyes & cuſtumes ſont apris & uſez en la lange du paiis le Roi deſirant le bon governement & tranquillite de ſon poeple & de ouſter & eſchure les maulx & meſchiefs qe ſont advenuz & purront avenir en ceſte partie ad pur les cauſes ſuſdites ordeigne et eſtabli del aſſent avantdit qe toutes plees qe ſerront a pleder en ſes courtz queconqes devant ſes Juſticez quconqes ou en ſes autres places ou devant ſes autres miniſtres queconqes ou en les courtz & places des autres Seignurs qeconqes deinz le Realme ſoient pledez monſtretz defenduz reſponduz debatuz & juggez en la lange Engleiſe et qils ſoient entreez et enroullez en Latin & qe les leyes & cuſtumes du dit Realme termes & proceſſes ſoient tenuz & gardez come ils ſont & ont eſte avant ces heures et qe per les aunciens termes & formes de counter nul homme ſoit perdant iſſint qe la matiere del action ſoit pleinement monſtre en la demonſtrance & en le brief. Et eſt acorde de laſſent avantdit qe ceſtes ordeignances & eſtatuz de pleder comenceent & tiegnent lieu al quinzeine Seint Hiller' prochein avenir.

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2 K P.

De pardonatione facta communitati Angliæ 36 EDW. III. *Stat.* 2. *and* Anno Dom. 1362.

In Turr. Lond. *m.* 5, 6.

Statutes made at Weſtminſter, Anno 37 EDW. III. *and* Anno Dom. 1363.

" KING EDWARD at his Parliament holden at " *Weſtminſter* the *Friday* in the *Utas* of Saint " *Michael*, the ſeven and thirtieth Year of his " Reign, at the Requeſt of the Commons, and by the " Aſſent of the Prelates, Dukes, Earls, Barons, and " other Great Men there aſſembled, hath ordained the " Things under-written in the Form as followeth:"

Ex Rot. in Turr. Lond. *m.* 5, 6.

LE Roi EDWARD a ſon parlement tenuz a Weſtm' Vendredy en les oitaves Seint Michel lan de ſon regne trent ſeptiſme a la requeſt des communes & del aſſent de Prelatz Ducs Countes Barons & autres grantz illoeqes aſſemblez ad ordeigne les choſes ſoutheſcriptes en la forme qe ſenſuyt.

CAP.

CAP. I.

A Confirmation of former Statutes.

Ex Rot. in Turr. Lond.

PRimerement qe la Grande Chartre la Chartre de la Foreſt & les eſtatutz & ordinances einz ces heures faites & nieement les eſtatutz faitz au darrein parlement ſoientz tenuz & gardez & duement executz ſolonc la forme & effect dicelles.

'FIRST, That the Great Charter, and the Charter of the Foreſt, and the Statutes and Ordinances made in Times paſt, and ſpecially the Statutes made at the laſt Parliament, be holden and kept, and duly executed according to the Form and Effect of them.'

CAP. II.

An *Indemptitate Nominis* ſhall be granted upon the wrongful Seiſure of another's Perſon, Lands, or Goods.

ITEM pur les grandes meſchiefs qe ſovent ſont avenuz & venent de jour en autre de ceo qe les eſchetours viſconts & autres miniſtres le Roi ſeiſent les terres biens & chateaux des pluſours gentz ſurmettantz qils ſont utlagez la ou ils ne ſont utlagez per cauſe qils portont tielx nouns come ces qi ſont utlagez pur defaute de bone declaration des ſurnouns eſt ordeigne qe ſi nul ſe pleyne en tieu cas eit brief de Indemptitate nominis en manere come ad eſte uſee avant ces hures & ſi terres biens ou chateux de nulluy ſoient ſeiſiz en tieu cas par eſchetours viſcont ou autre miniſtre troeve ſuerte devant le miniſtre qi ad grante de ſeiſir de reſpondre au Roi de la valu des tieux terres biens ou chateaux en cas qil ne ſe poet deſcharger ſaunz rien prendre de la partie & ſi tiel miniſtre ne le face & de ceo ſoit atteint eit la partie ſa ſeute devers tiel miniſtre & recovre ſes damages au double & nient meins ſoit grevouſement puniz devers le Roi.

"ITEM, For the great Miſchiefs which often have happened, and daily do come, becauſe that Eſcheators, Sheriffs, and other the King's Miniſters, do ſeiſe the Lands, Goods, and Chattels of many, ſurmiſing that they be outlawed, where they be not outlawed, becauſe that they bear ſuch Names as thoſe which be outlawed, for Default of good Declaration of the Surname;" 'it is ordained, That if any complain him in ſuch Caſe, he ſhall have a Writ of *Indemptitate nominis*, in the Manner as hath been uſed in Times paſt; and if any Man's Lands, Goods, or Chattels be ſeiſed in ſuch Caſe by Eſcheator, Sheriff, or other Miniſter of the King's, he ſhall find Surety before the Miniſter which hath the Warrant to ſeiſe, to anſwer to the King of the Value of ſuch Lands, Goods, and Chattels, in caſe that he cannot diſcharge him, without taking any Thing of the Party; and if ſuch Miniſter do not the ſame, and thereof be attainted, the Party ſhall have the Suit againſt ſuch Miniſter, and recover his double Damages, and nevertheleſs he ſhall be grievouſly puniſhed to the King.'

Dyer 5. Fitz. Idemptitate nominis, 1, 2, 3, 7.

9 H. 6. c. 4. *gives this Writ to Executors.* Regiſt. 194, &c. Raſt. 407.

CAP. III.

The ſeveral Prices of a Hen, Capon, Pullet, and Gooſe.

Repealed by 21 Jac. 1. c. 28.

CAP. IV.

A Clerk of the Remembrance of the Exchequer ſhall be aſſigned.

ITEM pur ce qe pluſours gentz acquitez par juggement en Leſcheqer en une place ſont grandement grevez et endamagez en autres offices & places du dit eſcheqer de meſmes les choſes dont ils ſont iſſint acquitez a grant meſchief du poeple eſt ordeigne qun clerc de la remembrancie ſoit title de ſeer amount le clerc de la pipe de veer les deſcharges faites en la pype & les enbrever en la remembrancie pur faire ceſſer tote manere de proceſſe ſur ceo fait & auxi qe la ſomons de la pipe ſoit retrait ſolonc ce qe parties par proceſſe ſont deſchargez et en cas qe defaute voluntrivement ſoit trove le Treſorer par commandement le Roi le ferra duement punier.

"ITEM, Becauſe that many People acquitted by Judgment in the Exchequer in one Place, be grieved and endamaged in other Offices and Places of the ſaid Exchequer, of the ſame Things whereof they be ſo acquit, to the great Miſchief of the People;" 'it is ordained, That one Clerk of the Remembrance be titled to ſit againſt the Clerk of the Pipe, to ſee the Diſcharges made in the Pipe, and to imbreviate the ſame in the Remembrance, to cauſe to ceaſe all Manner of Proceſs thereupon made, and alſo that the Summons of the Pipe be withdrawn according as the Parties by Proceſs be diſcharged; and in whomſoever any Default be willingly found, the Treaſurer by the King's Commandment ſhall duly puniſh the ſame.'

1 R. 2. c. 3. *inflicts Impriſonment on Clerk making out Proceſs to levy Debts which have been diſcharged.*

CAP. V.

Merchants ſhall not ingroſs Merchandiſes to inhance the Prices of them, nor uſe but one Sort of Merchandiſe.

Repealed by 38 Ed. 3. c. 2.

CAP.

Repealed by 5 Eliz. c. 4.

CAP. VI.

Handicraftſmen ſhall uſe but one Myſtery, but Workwomen may work as they did. *In Turr.* Lond.

Repealed by 21 Jac. 1. c. 28. *But ſee* 12 & 13 *W.* 3. *c.* 4. 6 *G.* 1. *c.* 11. *and* 12 *G.* 2. *c.* 26.

CAP. VII.

Goldſmiths Work ſhall be of good Sterling, and marked with his own Mark. None ſhall make white Veſſel and alſo gild.

Rep. 24 H. 8. c. 13. & 1 Jac. 1. c. 25.

CAP. VIII.

The Diet and Apparel of Servants.

Rep. 24 H. 8. c. 13. & 1 Jac. 1. c. 25. 28 Ed. 1. ſtat. 3. c. 20.

CAP. IX.

The Apparel of Handicraftſmen and Yeomen, and of their Wives and Children.

CAP. X.

Rep. 24 H. 8. c. 13. & 1 Jac. 1. c. 25.

What Apparel Gentlemen under the Eſtate of Knights, and what Eſquires of Two hundred Mark Land, *&c.* may wear, and what their Wives and Children.

Rep. 24 H. 8. c. 13. & 1 Jac. 1. c. 25.

CAP. XI.

The Apparel of Merchants, Citizens, Burgeſſes, and Handicraftſmen.

CAP. XII.

Rep. 24 H. 8. c. 13. & 1 Jac. 1. c. 25.

The Apparel of Knights which have Lands within the yearly Value of Two hundred Marks, and of Knights and Ladies which have Four hundred Mark Land.

Rep. 24 H. 8. c. 13. & 1 Jac. 1. c. 25.

CAP. XIII.

The Apparel of ſeveral Sorts of Clerks.

CAP. XIV.

Rep. 24 H. 8. c. 13. & 1 Jac. 1. c. 25.

The Apparel of Ploughmen, and other of mean Eſtate; and the Forfeitures of Offenders againſt this Ordinance.

CAP. XV.

OB.

Clothiers ſhall make Cloths ſufficient of the foreſaid Prices, ſo that this Statute for Default of ſuch Cloths be in no wiſe infringed.

CAP. XVI.

OB. 1 El. c. 13.

A Repeal of the Puniſhment of Lands, and of Life and Member, inflicted by the Stat. 27 *Ed.* 3. *Stat.* 1. *cap.* 5 & 7. Enquiry ſhall be made yearly in *Gaſcoin* in the King's Dominions, of Couchers of *England*, which lie there to buy Wines.

CAP. XVII.

In what Caſe a Writ ſhall not be abated by Exception of Cogniſance of Villenage.

ITEM eſt ordeigne & eſtabli que nul brief foit abatu par exception de coniſance de villenage ſi le demandant ou pleintif voille averrer qe celui qe alegge lexception fut franc le jour du brief purchace.

CAP. XVIII.

OBS. 9 H. 3. ſtat. 1. c. 29. 25 Ed. 3. ſtat. 5. c. 4. 38 Ed. 3. ſtat. 1. c. 9. 42 Ed. 3. c. 3.

The Order of purſuing a Suggeſtion made to the King.

CAP. XIX.

How each Perſon ſhall uſe a Hawk of another's that he taketh up.

"ITEM, Whereas it was another Time ordained, "That every Perſon that findeth any Faulcon, "Tarcelet, Laner, or Laneret, or any other Hawk, "that is loſt of his Lord's, that preſently he ſhall "bring him to the Sheriff of that County, and that "the Sheriff make Proclamation in all the good "Towns of the County, that he hath ſuch Hawk in

ITEM come autrefoitz fuiſt ordeigne qe quelqonqe perſone qe trove faucoun terſelet lanier ou lanieret auſtour ou autre faucon qe ſoit perdu de ſon Seignur qe maintenant il lapport au viſcount del countee & qe le viſconte face proclamation en touz les bones villes du countee qil ad un tiel faucon en garde. Et ſi le Seignur qi le perdi ou

aucun

Ex Rot in Turr. Lond.

aucun des ſoens vieigne pur lui chalanger & proeve reſonablement qe ce eſt a ſon Seignur paie pur ſes cuſtages & eit le faucoun. Et ſi nul veigne deinz les quatre mois pur lui chalanger adonqes les viſconte eit le faucoun feſant gree a celui qi le priſt ſil ſoit ſimples homme & ſil ſoit gentils homme deſtat daver faucoun qe le viſcount rebaille a lui le dit faucoun parnant de lui reſonables couſtages pur le temps qil lavoit en garde. Et ſi nul eit pris tiel faucoun & le concele du Seignur a qil il eſt ou a ſes fauconers ou qi lemport de Seignur & de ce ſoit atteint eit la priſone de deux ans & rende ou Seignur le pris du faucoun iſſint concele ou emportee ſil eit de quoi & ſi noun eit pluis longe demoeure en priſone. Et nient countreſteant ceſte ordenance les meffeſours nount pas dote de treſpaſſer en celle partie par quoi eſt ordeine & par eſtatut eſtabli en ce preſent parlement qe ſi nul emble faucoun & lemporte nient feſant lordinance deſſus dite ſoit fait de lui come de laroun qi emble chival ou autre choſe.

" keeping. And if the Lord which hath loſt him, or " any of his, come to challenge him, and prove reaſon- " ably that it is his Lord's, let him pay for his Coſts, " and have his Hawk. And if none come within four " Months for to challenge him, then the Sheriff ſhall " have the Hawk, making Gree to him that did take " him, if he be a ſimple Man; and if he be a Gentle- " man, and of Eſtate to have the Hawk, the Sheriff " ſhall redeliver to him the Hawk, taking of him rea- " ſonable Coſts for the Time that he had him in his " keeping. And if any hath taken ſuch Hawk, and " the ſame conceal from the Lord to whom the Hawk " is, or from his Faulconers, or if any take him " away from the Lord, and thereof be attainted, " he ſhall have two Years Impriſonment, and yield " to the Lord the Price of the Hawk ſo concealed or " taken away, if he have whereof, and if not, he ſhall " the longer abide in Priſon. Notwithſtanding this " Ordinance, the Offenders doubt but little to offend " in this Behalf:" ' Wherefore it is ordained, and by ' Statute eſtabliſhed in this preſent Parliament, That ' if any ſteal any Hawk, and the ſame carry away, ' not doing the Ordinance aforeſaid, it ſhall be done ' of him as of a Thief that ſtealeth a Horſe or other ' Thing.'

34 Ed. 3. c. 22. The concealing or imbeziling of a Hawk is Felony.

3 Inſt. 97. 4 Inſt. 51.

Statutes made at Weſtminſter, Anno 38 EDW. III. *Stat.* 1. *and* Anno Dom. 1363.

Ex Rot. in Turr. Lond. *m.* 6. D.

NOSTRE Seignur le Roi EDWARD a ſon parlement tenuz a Weſtm' as octaves de Seint Hiller lan de ſon regne trente octiſme de laſſent des Prelats Ducs Countes Barons & communes de ſon Roialme illoeqes aſſemblez ad fait & ordeine les choſes qe enſuent.

CAP. I.

Former Statutes ſhall be obſerved and executed.

ADeprimes qe la Grand Chartre la Chartre de la Foreſte & les autres eſtatuz faitz ſibien en ſon temps come en temps de ſes progenitours ſoient tenuz & gardez & duement executz en touz poyntes.

' FIRST, That the Great Charter, and the ' Charter of the Foreſt, and the other Statutes ' made as well in his Time as in the Time of his ' Progenitors, be holden and kept, and duly exe- ' cuted in all Points.'

CAP. II.

Repeal of Part of 37 *Edw.* 3. *c.* 5. Who may tranſport Gold or Silver.

ET quant a ceo qe ordene feuſt au derrein parlement de vivres & dapparail & qe nul marchant Englois ne uſeroit quene marchaundie eſt acorde qe touz gentz ſoient ſi franks come eſtoient de tut temps auncienement devant les dites ordinances & nieement come eſtoient en temps del aiel noſtre Seignur le Roi & de ſes autres bones progenitours. Et qe touz marchantz ſibien denizeins come aliens puiſſent vendre & achatre toute manere de marchandie & franchement ameiſner hors du Roialme paiantz les cuſtumes & ſubſides ent dues forſpris qe les marchantz Engleis ne paſſeront hors

" ITEM, To that which was ordained at the laſt " Parliament, of Living and of Apparel, and that " no *Engliſh* Merchant ſhould uſe but one Merchan- " diſe;" ' it is ordained, That all People ſhall be as ' free as they were at all Times before the ſaid Ordi- ' nance, and namely as they were in the Time of the ' King's Grandfather, and his other good Progenitors. ' And that all Merchants, as well Aliens as Deni- ' zens, may ſell and buy all Manner of Merchandiſes, ' and freely carry them out of the Realm, paying the ' Cuſtoms and Subſidies thereof due, except that the ' *Engliſh* Merchants ſhall not paſs out of the Realm ' with

9 *Ed.* 3. *ſtat.* 2. *c.* 1. 27 *Ed.* 3. *ſtat.* 2. *c.* 3. 36 *Ed.* 3. *c.* 11. 37 *Ed.* 3. *c.* 5.

Ex Rot. in Turr. Lond.

Enforced and amended by 5 R. 2. *ſtat.* 1. *c.* 2. 2 H. 4. *c.* 5. *and* 2 H. 6. *c.* 6. *See farther* Index, *tit.* Gold and Silver.

'with Woolls or Woollfells. And that none carry 'out of the Realm Gold nor Silver in Plate nor in 'Money, ſaving the Victuallers of Fiſh that fiſh for 'Herring and other Fiſh, and they that bring Fiſh 'within the Realm in ſmall Veſſels, which meddle 'not with other Merchandiſes, and that according 'to the Arbitrement of the Chancellor.'

du Roialme leins ne pealx lanutz. Et qe nul emporte hors du Roialme or nargent en plate nen monoie ſauvez les vitaillers de peſſon qe peſchent harang & autre peſſon & ces qi ameſnent peſſon deinz le Roialme en petitz veſſelx qi ne ſe mellent dautre marchandie & ce ſolonc larbitrement de Chaunceller.

CAP. III.

Fines ſhall be taken in the Preſence of the Pledges.

'ITEM it is accorded, That all the Fines to be 'taken before any Juſtices, ſhall be in the Preſence 'of the Pledges, and that the Pledges know the Sum 'of their Fine before their departing.'

ITEM eſt acorde qe touz les fines qe ſerrount apprendre devaunt qeconqes Juſtices ſoient faites en preſence de plegges & qe les plegges ſachent la ſomme de lour fines devant lour departit.

CAP. IV.

Penal Bonds in the third Perſon ſhall be void.

"ITEM, Whereas divers People be bound in another Court out of the Realm by Inſtruments, "and in other Manner;" 'it is accorded, That all '[*ſuch*] Penal Bonds in the third Perſon be void and 'holden for none.'

ITEM come divers gents ſoient liez en autri court hors du Roialme par inſtrumentz & en autre manere eſt acorde qe touz tieles liens penales en la tierce perſone ſoient voides & pur nul tenuz.

CAP. V.

Any Man may wage his Law againſt a *Londoner*'s Papers.

2 H. 4. f. 10. 40 Ed. 3. f. 1. 22 Ed. 4. f. 22. Co. Lit. 230.

"ITEM, Whereas many People be grieved and "attached by their Body in the City of *London*, at "the Suit of the People of the ſame City, ſurmiſing to "them that they be Debtors, and that will they prove "by their Papers, whereas they have no Deed nor "Talley;" 'it is aſſented, That every Man be re-'ceived to his Law by People ſufficient of his Condi-'tion againſt ſuch Papers, and the *Creanſour* ſhall take 'Surety by another Way if he will, without putting 'the Party to plead to the Inqueſt, if he will not of 'his own Gree.'

See 7 Jac. 1. c. 12. *in what Caſe a Tradeſman's Shop Book ſhall be Evidence of a Debt.*

ITEM come pluſours gentz ſount grevez & attachez par lour corps en la Citee de Loundres a la purſuite de gentz de meiſme la Citee ſurmettantz a eux qils ſount dettours & de ceo voillent ils prover par lour papirs la ou ils ne ont fait ne taille eſt aſſentu qe cheſcun ſoit reſceu a ſa lei par gentz ſufficeantz de ſa condition countre tieles papirs & preigne le creanſour ſeurtee par autre voie ſil vorra ſanz mettre la partie de pleder a lenqueſte ſil ne le voet de ſon gree.

CAP. VI.

O. B. A Repeal of the Felony impoſed by Stat. 27 *Ed.* 3. *Stat.* 2. *c.* 3. for tranſporting of Wooll, *&c.* by *Engliſhmen*; but the Forfeiture of Lands and Goods ſhall ſtand.

CAP. VII.

OBS. A Confirmation of the Statute of the Staple, made 27 *Edw.* 3. *Stat.* 2.

CAP. VIII.

A Ship ſhall not be loſt for a ſmall Thing therein not cuſtomed.

"ITEM, Whereas the Ships of divers People of "the Realm be arreſted and holden forfeit, becauſe "of a little Thing put in their Ship not cuſtomed, "whereof the Owners of the ſame Ships be ignorant;" 'it is accorded and aſſented, That no Owner ſhall loſe 'his Ship from the *ſixteenth* Day of *February* next 'coming forth, for ſuch a ſmall Thing put within the 'Ship not cuſtomed, without his Knowledge.'

ITEM come les nieſs de pluſours gentz de Roialme ſoient areſtuz & tenuz come forfaitz par cauſe dune petite choſe miſe en lour dites nieſs nient cuſtumes dont les Seignurs du dites nieſs ſount meſconiſſantz eſt acorde & aſſentuz qe nul Seignur perdè ſa nief pur tiele petite choſe miſe dedeinz nient cuſtumez del ſeſziſme jour de Feverer proſchein avenir en avant ſanz ſen ou noticè de luy.

CAP. IX.

OBS. 42 E. c. 3. 37 Ed. 3. c. 18. The Puniſhment of him which proveth not his Suggeſtion made to the King.

CAP.

CAP. X.

A Confirmation of the Statutes made for Wines.

OBS.

In Turr. Lond.

CAP. XI.

Merchants Denizens may fetch Wines, and Aliens may bring them.

ET le Roi voet de ſa grace & ſuffraunce qe touz marchauntz denzeins qe ne ſount artificers paſſent en Gaſcoigne de quere vins illoeqes au fin & entente qe parmy ceſt general congie greindre plente viegnent & meillour marche ſoient des vins deinz le Roialme & qe les Gaſcoignes & touz autres aliens puiſſent venir en dit Roialme ove lour vins & fraunchement vendre ſanz nule deſtourbance ou empeſchement toutdis ſauve au Roi qe bien luy liſe a quele hure qe ſoit avis a luy & ſon bon conſeil de ordenir ſur ceſt article en manere qe meultz luy ſemblera pur profit de luy & de ſa communalte.

'ITEM the King will of his Grace and Sufferance, 'That all Merchants Denizens that be not Artificers ſhall paſs into *Gaſcoign* to fetch Wines there, to the End and Intent that by this general Licence greater Plenty may come, and greater Market may be of Wines within the Realm; and that the *Gaſcoigns* and other Aliens may come into the Realm with their Wines, and freely ſell them without any Diſturbance or Impeachment; always ſaved to the King, that it may be lawful to him, whenſoever it is adviſed to him or his Council, to ordain of this Article in the Manner as beſt ſhall ſeem to him for the Profit of him and his Commons.'

CAP. XII.

The Puniſhment of a Juror taking Reward to give Verdict, and of Embraceors.

ITEM qant al article fait des jurours lan xxxiiij eſt eſſentu & ajouſte a ycele qe ſi nuls jurours en aſſiſes jurees & autres enqueſtes aprendre entre le Roi & partie ou partie & partie riens preignent par eux ou par autres de la partie pleintif ou defendant pur dire lour verditz & de ceo ſoient atteint par proces contenu en meiſme larticle ſoit il a la ſuite de partie qe vorra ſuire pur luy meiſmes ou pur le Roi ou dautre perſone queconqe paie cheſcun des ditz jurrours dis foitz a tant come il avera pris & eit celuy qe ferra la ſuite lun moite & le Roi lautre moite. Et qe touz les embraceours dameſner ou procurer tieles enqueſtes en paiis pur gayn ou profit prendre ſoient puniz en meiſme la manere & fourme come les jurrours & ſi jurrour ou embraceour iſſint atteintz neit dont fair gree en manere ſuſdite eit la priſone dun an. Et eſt lentention du Roi grantz & communes qe nul juſtice nautre miniſtre enquerget doffice ſur nul des pointz de ceſt article mes ſoulement a la ſuite de partie ou dautre come deſſus eſt dit.

"ITEM, as to the Article of Jurors in the four and thirtieth Year;" 'it is aſſented and joined to the ſame, That if any Juror in Aſſiſes ſworn, and other Inqueſts to be taken between the King and Party, or Party and Party, do any thing take by them or other of the Party Plaintiff or Defendant, to give their Verdict, and thereof be attainted by Proceſs contained in the ſame Article, be it at the Suit of the Party that will ſue for himſelf, or for the King, or any other Perſon, every of the ſaid Jurors ſhall pay ten times as much as he hath taken; and he that will ſue ſhall have the one Half, and the King the other Half. And that all the Embraceors that bring or procure ſuch Inqueſts in the Country to take Gain or Profit, ſhall be puniſhed in the ſame Manner and Form as the Jurors; and if the Juror or Embraceor ſo attainted have not whereof to make Gree in the Manner aforeſaid, he ſhall have the Impriſonment of one Year. And the Intent of the King, of the Great Men, and of the Commons is, that no Juſtice nor other Miniſter ſhall inquire of Office upon any of the Points of this Article, but only at the Suit of the Party, or of other, as afore is ſaid.'

34 Ed. 3. c. 8. A Juror taking Reward to give his Verdict, ſhall pay ten times ſo much as he hath taken.

Fitz. Decies tantum, 1, 2, 3, 4, 5, 6, 9, 11. The Puniſhment of Embraceors.

None ſhall inquire of Office of this Statute, but at the Suit of the Party. 5 Ed. 3. c. 10. Regiſt. 188. Raſt. 145.

Other Statutes made Anno 38 Edw. III. *Stat.* 2. *and* Anno Dom. 1363.

Ex Rot. in Turr. Lond. *m.* 4.

PUR nurrir amour paix & concorde entre legliſe & le Roialme & empeſcher & faire ceſſer les grantz malx perils & importables damages & grevances qont eſte faitz & avenuz en temps paſſe & avendront enapres ſi la choſe ſerroit ſoefferte paſſer avant par cauſe de perſoneles citations & autres qont paſſez avant ces hures & paſſent

"TO nouriſh Love, Peace, and Concord between holy Church and the Realm, and to appeaſe and cauſe to ceaſe the great Hurt, Perils, and importable Loſſes and Grievances that hath been done and happened in Times paſt, and that ſhall happen hereafter, if the Thing from henceforth be ſuffered to paſs, becauſe of perſonal Citations,

4 Inſt. 51. ſect. 1.

"tions, and other that be past before this Time, and "commonly doth pass from Day to Day out of the "Court of *Rome* by feigned and false Suggestions and "Propositions, deceiving the holy Father, against all "Manner of Persons of the Realm, upon Causes, whose "Cognisance and final discussing pertaineth to our Lord "the King and his Royal Court; and also of Impetra- "tions and Provisions made in the said Court of *Rome*, "of Benefices and Offices of the Church, pertaining to "the Gift, Presentation, Donation, and Disposition of "our said Lord the King and other Lay Patrons of his "Realm, and of Churches, Chapels, and other Benefices "appropried to Cathedral Churches, Colleges, Abbeys, "Priories, Chantries, Hospitals, and other poor Houses, "and of other Dignities, Offices, and Benefices occu- "pied in Times past and present by divers and notable "Persons of the said Realm: For the which Causes, and "the Dependants thereof, the good ancient Laws, "Customs, and Franchises of the said Realm have been "and be greatly impeached, blemished, and confound- "ed, the Crown of our Lord the King abated, and his "Person very hardly and falsly defamed, the Treasure "and Riches of his Realm carried away, the Inhabi- "tants and Subjects of the Realm impoverished and "troubled, the Benefices of the Church wasted and "destroyed, Divine Service, Hospitalities, Alms- "deeds, and other Works of Charity withdrawn and "set apart, the Great Men, Commons, and Subjects "of the Realm in Body and Goods damnified:"

The several Enormities of Citations and Impetrations of Benefices obtained from Rome.

Ex Rot. in Turr. Lond.

communement de jour en autre hors de la courte de Rome par my feintes ou fauses suggestions & propo- sitions deceivantz le saint Piere encountre tout plein des persones du dit Roialme sur causes dount la cogniſſance & finale discuſſion appertient a nostre Seignur le Roi & a sa courte Roiale & autrement & auſſi des impetrations & provisions faites en meisme la courte de Rome des benefices & offices desglise appertenantz a la donation presentation ou disposi- tion nostre dit Seignur le Roi & dautres patrons lais de son Roialme & des eglises chapeles & autres benefices appropries as eglises cathedrales collegi- ales abbaies priories chaunteries hospitalx & autres povres maisons & des autres dignitees offices & be- nefices occupez en temps passe & present par diver- ses & notables persones du dit Roialme pur les que- les causes & dependences dicelles les bones & aun- cienes lois usages custumes & fraunchises du dit Roialme ount estez & sount moult grandement em- pescheż blemiz & confounduz la corone le Roi nostre Seignur abesse & sa persone moult durement & fausement diffamee les avoirs & richesses du Roi- alme emportez les heritances & subgiz dicelx em- povriz & troubliz les benefices desglises gastez & destruitz divin service hospitalites almoignes & al- tres oevres de charitee entrelessez & souztraitz les grantz communes & subgitz du dit Roialme tra- vaillez & en corps & en biens damagez:

CAP. I.

Persons receiving Citations from *Rome* in Causes pertaining to the King, &c. to incur the Penalties of 25 EDW. 3. Stat. 6.

"OUR Sovereign Lord the King, at his Parlia- "ment holden at *Westminster* in the *Utas* of St. "*Hillarie*, the Thirty-eighth Year of his Reign; ha- "ving a Regard to the Quietness of his People, which "he chiefly desireth to sustain in Tranquillity and "Peace, to govern according to the Laws, Usages, "and Franchises of his Land, as he is bound by his "Oath made at his Coronation, ‡ following the Ways "of his Progenitors, which for their Time made cer- "tain good Ordinances and Provisions against the said "Grievances and Perils; which Ordinances and Pro- "visions, and all the other made in his Time, and es- "pecially in the Twenty-fifth and Twenty-seventh "Year of his Reign, our Sovereign Lord the King by "the Assent and express Will and Concord of the "Dukes, Earls, Barons, and the Commons of his "Realm, and of all other whom these Things touch- "eth, by good and mete Deliberation and Avisement, "hath approved, accepted, and confirmed, saving the "Estate of the Prelates and other Lords of the Realm, "touching the Liberty of their Bodies, so that by Force "of this Statute their Bodies be not taken. Joining to "the same hath provided and ordained, That all they "which have obtained, purchased, or pursued, such "personal Citations or other in any Times past, or "hereafter shall obtain, purchase, or pursue such "like, against him or any of his Subjects, and also all

‡ Add *for the Ease and Convenience of the Pope, who has been frequently disturbed by such importunate Clamours and Impetrations, and would willingly apply convenient Remedy, if his Holiness was informed of these Things.*

NOstre dit Seignur le Roi a son parlement te- nuz a Westm' en les oytaves de Seint Hiller lan de son regne trente oytisme eiant regard a la quiete de son poeple le quel il desire tres soveraigne- ment a sustenir en tranquillite pais & repos et go- vernir solonc les lois usages & fraunchises de sa ter- re & sicome tenuz y est par son serement donez en sa coronation en eide & confort du Pape qi moult sovent a estee trublez par tieles & semblables im- portuns clamours & impetrations & qi y meist voluntiers covenable remedie si sa seyntetee estoit sur ces choses enfourmee & passant parmy les voies de ses nobles progenitours les queux pur le temps lors courrant firent certeynes bones purveiances & ordenances encountre les avantditz grevaunces & perils les queles ordinances & purveances & auſſi toutes les autres faites en son temps & par especial en lan de son regne xxv. & xxvii. Nostre dit Seig- nur le Roi de lassentement & expresse volunte & concorde des Ducs Contes Barons Nobles & com- munes de son Roialme & de touz altres qe la chose touche par bone & meure deliberation & avisement a approve accepte & conferme sauf lestat des Pre- latz & daltres Seignurs du Roialme touchant la li- bertee de lour corps si qe par force de cest estatut lour corps ne soit pas pris ajoustant a ycelles a pur- veu & ordene qe touz ceux qont impetrez purcha- cez ou pursuiz tiels personeles citations & autres en aucun temps passe ou impetreront purchaceront ou pursueront semblables en temps avenir encoun- tre lui ou aucun de ses subgiz & auſſi touz ceux

qount

Ex Rot. in Turr. Lond.

qount impetrez ou impetreront de la dite court deanees arcedeakenees provoſtes & autree dignitees offices chapelles ou autres benefices deſgliſe quelconqes appurtenantz a la collation donation preſentation ou diſpoſition noſtre dit Seignur le Roi ou dautre patron lai de ſon dit Roialme Et auſſi toutes ſembleables perſones impetrours deſgliſes chapelles offices benefices deſgliſe penſions ou rentes amortiſeez & appropriez as egliſes cathedrales ou collegiales abbaies priories chaunteries hoſpitalx au altres povres maiſons avant ceo qe tielx appropriations & amortiſſementz ſoient caſſez & anullez par due proces enſemble touz ceux qount impetrez en meiſme la court dignites offices hoſpitalx ou benefices quelconqes deſgliſe qe ſount occupez au preſent par title raiſonable par aſcuns perſones du dit Roialme ſi tiel impetration ne ſoit ja pleinement execute ou impetreront enapres ſembleables benefices par quoi prejudice damage ou empeſchement a eſtee ou purra eſtre fait enapres a lui ou a ſes ditz ſubgiz ou perſones heritages poſſeſſions droitures ou biens quelconqes ou a les lois uſages cuſtumes fraunchiſes & libertees de ſon dit Roialme & de ſa corone enſemble touz leur meintenours counſeillours abbettours & autres aidantz & fauteurs ſeientement taunt a la ſuite le Roi come de la partie ou dautre quelconqe de Roialme trovantz plegges & ſeurete de purſuir contre eux en ceo caas ſoient les dites perſones diffamés & ſuſpectes violenment de tiels impetrations purſuites ou grevances areſtuz & pris par les viſcontes de lieux & Juſtices en lour ſeſſions deputez bailliffs & autres miniſtres le Roi & par bone & ſuffiſaunte maynpriſe repleviſſement bail ou altre plegerie le plus brief qe faire ſe purra ſoient ils preſentez au Roi ou a ſon conſail pur y demurer & eſter a droit & recevoir ceo qe la lei lour donera. Et ſils ſoient atteintz ou convaincuz daucunes des dites choſes eient la penance compris en leſtatut fait en lan noſtra dit Seignur le Roi xxv. qe comence *Au Parlement ſomons a Weſtm' &c.*

'they that have obtained or ſhall obtain in the ſaid 'Court, Deanries, Archdeaconries, Provoſties, and 'other Dignities, Offices, Chappels, or Benefices of 'holy Church, pertaining to the Collation, Gift, Preſentation, or Diſpoſition of our ſaid Sovereign Lord 'the King, or of other Lay Patron of his ſaid Realm, 'and alſo all like Perſons, Obtainers of Churches, 'Chappels, Offices, or Benefices of holy Church, 'Penſions or Rents amortiſed and appropriated to 'Churches cathedral or collegial, Abbeys, Priories, 'Chanteries, Hoſpitals, or other poor Houſes, before 'that ſuch Appropriations, Amortiſements be void 'and adnulled by due Proceſs; alſo all they which 'have obtained in the ſame Court, Dignities, Offices, 'Hoſpitals, and any Benefices of Churches which be 'occupied at this preſent Seaſon by reaſonable Title 'by any Perſons of the ſaid Realm, if ſuch Impetrations be not fully executed, or ſhall obtain hereafter 'like Benefices, whereby Prejudice, Damage, or Impeachment hath been or may be done hereafter to 'him or to his ſaid Subjects, in Perſons, Heritages, 'Poſſeſſions, Rights, or any Goods, or to the Laws, 'Uſages, Cuſtoms, Franchiſes, and Liberties of his 'ſaid Realm and of his Crown; alſo all their Maintenours, Concealers, Abettors, and other Aiders and 'Fautours wittingly, as well at the Suit of the King 'as of the Party, or other whatſoever he be of the 'Realm, finding Pledges and Surety to purſue againſt 'them; in this Caſe all the ſaid Perſons defamed and 'violently ſuſpect of ſuch Impetrations, Purſuits, or 'Grievances, ſhall be arreſted and taken by the 'Sheriffs of the Places and Juſtices in their 'Seſſions, Deputies, Bailiffs, and other the King's 'Miniſters, by good and ſufficient Mainprize, Replevin, Bail, or other Surety (the ſhorteſt that may be) 'and ſhall be preſented to the King and his Council, 'there to remain and ſtand to Right, to receive what 'the Law will give them; and if they be attainted or 'convict of any of the ſaid Things, they ſhall have 'the Pain compriſed in the Satute made in the Twenty-fifth Year of the Reign of our Sovereign Lord the 'King, which beginneth,' "Whereas late in the "Parliament, *&c.*" 25 Ed. 3. ſtat. 5. c. 22. & ſtat. 6. *Altered by* 16 R. 2. c. 5. *and* 5 El. c. 1.

CAP. II.

Suſpected Perſons not appearing before the King's Juſtices, after Warning, to incur the Penalty of 27 EDW. 3. *Stat.* 1. *cap.* 1.

ET ſi aucunes perſones diffames ou ſuſpectes des dites impetrations proſecutions grevances ou entrepriſes ſoient hors du dit Roialme ou dedans & ne purront eſtre attachez ne areſtuz en lour propres perſones & ne ſe preſentent devant le Roi ou ſon conſail dedeins deux mois proſchein apres ce qils ſerrount ſur ceo garniz en lour lieux ſi aucuns en eient ou aucuns des courtz le Roi ou en les countees ou devant les Juſtices le Roi en lour ſeſſions ou autrement ſuffiſaument pur reſpoundre au Roi & a la partie & demurer & eſtre a la lei en ceo cas devaunt le Roi & ſon conſail ſoient puniz par ſourme & manere compris en leſtatut fait lan xxvii. noſtre Seignur le Roi qe comence *Noſtre Seignur le Roi de laſſent & a la priere &c.* & autrement licome afaire ſemblera au Roi & a ſon conſail ſaunz faire a aucun deulx par noſtre dit Seignour le Roi aucune

'ITEM, if any Perſon defamed or ſuſpect of the 'ſaid Impetrations, Proſecutions, or Grievances, 'or Enterpriſes, be out of the Realm or within, and 'may not be attached or arreſted in their proper Perſons, and do not preſent them before the King or his 'Council, within two Months next after that they 'be thereupon warned in their Places (if they have 'any) or in any of the King's Courts, or in the Counties, or before the King's Juſtices in their Seſſions, 'or otherwiſe ſufficiently, to anſwer to the King and 'to the Party, to ſtand and be at the Law in this Caſe 'before the King and his Council, ſhall be puniſhed by 'the Form and Manner compriſed in the Statute made 'in the ſaid Seven and twentieth Year of this King's 'Reign, which beginneth,' "Our Sovereign Lord "the King of the Aſſent, *&c.*" 'and otherwiſe, as 'to the King and his Council ſhall ſeem to be done, 'without

Ex Rot. in Turr. Lond.

'without any Grace, Pardon or Remiſſion to be made by the King, without the Will and Aſſent of the Party, which ſhall prove him to be grieved, and without making to him due Satisfaction in this Caſe.'

grace pardonaunce ou remiſſion ſaunz la volente & aſſentement de la partie qe ſe provera eſtre greve & ſanz faire a luy due ſatisfaction en ce cas.

CAP. III.

Such Offenders to be out of the King's Protection, and puniſhed according to the Statute of 27 EDW. 3. *Stat.* 1. *c.* 1.

'ITEM, it is accorded, That none other Subject of the ſaid Realm, keeping and ſuſtaining theſe Ordinances, ſhall incur any Forfeiture of Life and Member, of Lands, of Heritage, nor of Goods, againſt the King, nor none other Perſon, nor loſe Eſtate nor Favour becauſe of the ſaid Things ordained, nor his Heirs may not nor ought not to be reproved, defamed, nor impeached by any of the ſaid Cauſes at any Time hereafter. And if any Perſon, of whatſoever Eſtate or Condition that he be, by any Manner, attempt or do any Thing againſt the ſaid Ordinances or any Thing compriſed in them, the ſame Perſon ſhall be brought to anſwer in the Manner as aforeſaid; and if he be thereupon attainted or convict, he ſhall be put out of the King's Protection, and puniſhed after the Form of the ſaid Statute made the ſaid *xxvii* Year.'

ITEM ordeigne eſt qe nul autre ſubjet du dit Roialme gardant et ſuſtentant ces ordinances nencourge aucune forfaiture de vie de membre de terres heritage ne de biens devers le Roi nautre perſone quelconqe ne ne perde eſtat ne faveur par cauſe de les ſuſditz choſes ordenes ne lui ne ſes heirs ne purront ne deveront eſtre reprovez diffameez nempeſcheez par aucuns des ditz cauſes en aucune temps avenir. Et ſi aucune perſone de quelconqe eſtat ou condition qil ſoit par quelconqe manere qe ce ſoit attempte ou face aucune choſe a lencountre des dites ordinances ou daucune choſe compriſe en ycelles ſoit la dite perſone meiſme a reſpounſe en manere come deſſus eſt dit & ſi elle ſerra ſur ceo attainte ou convaincue ſoit miſe hors la protection le Roi et puniz par fourme du dit eſtatut de lan xxvii.

CAP. IV.

The Puniſhment of thoſe who ſue falſly and maliciouſly upon this Statute. The Conſent of the King and Parliament to appeach Offenders againſt the ſame.

'ITEM, If any Perſon maliciouſly or falſly make any Purſuit againſt any Perſon of the ſaid Realm, for Cauſe compriſed in theſe preſent Ordinances, and thereof be duly attainted; ſuch Plaintiff ſhall be duly puniſhed at the Ordinance of the King and his Council; and nevertheleſs he ſhall make Gree and Amends to the Party grieved by his Purſuit. And to the Intent that the ſaid Ordinances, and every of the ſame, for the Eaſe, Quietneſs, and Wealth of the Commons, be the better ſuſtained, executed, and kept; and that all thoſe that have offended, or ſhall offend againſt theſe Ordinances, by Proſecutions, Accuſations, Denunciations, Citations, or other Proceſs made or to be made out of the ſaid Realm or within, or otherwiſe againſt any Manner of Perſon of the ſaid Realm, be the more covenably and ſpeedily brought in Anſwer, to receive Right according to their Deſert: The King, the Prelates, Dukes, Earls, Barons, Nobles, Commons, Clerks, and Lay-people, be bound by this preſent Ordinance to aid, comfort, and to counſel the one and the other; and as often as ſhall need, and by all the beſt Means that may be made of Word and of Deed, to impeach ſuch Offenders, and reſiſt their Deeds and Enterpriſes, and without ſuffering them to inhabit, abide, or paſs by their Seignories, Poſſeſſions, Lands, Juriſdictions, or Places, and be bound to keep and defend the one and the other from all Damage, Villainy, and Reproof, as they ſhould do their own Perſons, and for their Deed and Buſineſs, and by ſuch Manner, and as far forth, as ſuch Proſecutions or Proceſs were made or attempted againſt them in eſpecial, or in common.' 2

ET ſi aucune perſone face maliciouſement ou fauſement aucun purſuite encountre perſone quelconqe du dit Roialme pur cauſe compriſe en ces preſentes ordenances & de ceo ſoit duement attaint ſoit tiel pleintif duement puniz a lordenance du Roi ou de ſon conſail & nientmeyns face gree & lamende a la partie qe a eſtee grevee par ſa pleinte. Et a fin qe les dites ordenances & cheſcun dycelles pur aiſe quiete & bien commun ſoient le mieuz ſuſtenuz executz & gardez & qe touz ceux qe ount meſpris ou meſprendrount encountre ceſtes ordenances par proſecutions accuſations denunciations citations ou proces faites ou affaire hors du dit Roialme ou dedeins ou overtement contre quelconqe perſone du Roialme ſoient le plus covenablement & promptement meiſnez a reſpons pur receyvre droit ſolonc leur deſerte le Roi les Prelatz les Ducs Countes Barons & Nobles communes Clercs & lais ſont tenuz par ceſte preſente ordenaunce a aider conforter & conſailler lun a lautre & taunt ſovent qe buſoigne ſerra & par toutes les meillours maneres qe faire ſe pourra de parole & de fait pur empeſcher tieux meffeſours & reſiſtere de fait a lour enterpriſes & ſaunz les ſoeffrir habiter demorrer ne paſſer par lour Seignouries puiſſance terres juriſdictions ne lieux & ſount tenuz de garder & defendre lune a lautre de tout damages vilainez & reproves ſicome ils ferroient lour propres perſones & pur leur fait & buſoigne & par tiele manere & ſi avant come tieles proſecutions ou proces fuiſſent faites ou atteintez encountre eux en ſpecial ou en commune.

13 El. c. 2. *The Offences in the foregoing Chapter made puniſhable as in Caſes of* High Treaſon.

Statutes

Statutes made at Weſtminſter, Anno 42 EDW. III. *and* Anno Dom. 1368.

CAP. I.

A Confirmation of the Great Charter and the Charter of the Foreſt, and a Repeal of thoſe Statutes that be made to the contrary.

Ex Rot. in Turr. Lond. *m.* 3.

EN le parlement noſtre Seignur le Roi tenuz a Weſtm' le primer jour de May lan de ſon regne a quarantiſme ſecond eſt aſſentu & accorde qe la Grande Chartre & la Chartre de la Foreſte ſoient tenuz & gardez en touz pointz & ſi nul eſtatut ſoit fait a contraire ſoit tenuz pur nul.

" AT the Parliament of our Lord the King, " holden at *Weſtminſter* the Firſt Day of *May*, " the two and fortieth Year of his Reign," ' it is aſſented and accorded, That the Great Charter ' and the Charter of the Foreſt be holden and kept in ' all Points; and if any Statute be made to the con- ' trary, that ſhall be holden for none.' 9 *H.* 3. *ſtat.* 2.

CAP. II.

A Writ of Allowance of a Pardon granted *Anno* 36 EDW. 3. EXP.

CAP. III.

None ſhall be put to anſwer an Accuſation made to the King without Preſentment.

ITEM a la requeſte de la commune par leur petition mis avant en ce parlement pur ouſter meſchiefs & damages faitz as pluſours de ſa dite commune par faux accuſours qe ſovent ont fait leur accuſementz plus pur vengeance & ſingulere profit qe pur profit du Roi ou de ſon poeple queux accuſez ont eſte aucuns pris & autres faitz venir devant le conſeil le Roi par brief & autrement ſur greve peine & encontre le leye eſt aſſentu & accorde pur le bone government de la commune qe nul homme ſoit mis a reſpondre ſanz preſentement devant Juſtices ou choſe de record ou per due proceſſe & brief original ſolonc launcien leye de la terre & ſi rien deſore enavant ſoit fait al encontre ſoit voide en leye & tenuz pur errour.

" ITEM, At the Requeſt of the Commons by their " Petitions put forth in this Parliament, to eſchew " the Miſchiefs and Damages done to divers of his " Commons by falſe Accuſers, which oftentimes have " made their Accuſations more for Revenge and ſin- " gular Benefit, than for the Profit of the King, or of " his People, which accuſed Perſons, ſome have been " taken, and ſometime cauſed to come before the " King's Council by Writ, and otherwiſe upon grie- " vous Pain againſt the Law:" ' it is aſſented and ' accorded, for the good Governance of the Com- ' mons, That no Man be put to anſwer without Pre- ' ſentment before Juſtices or Matter of Record, or by ' due Proceſs and Writ original, according to the old ' Law of the Land: And if any Thing from hence- ' forth be done to the contrary, it ſhall be void in the ' Law, and holden for Error.' 9 *H.* 3. *ſtat.* 1. *c.* 29. 2 *Ed.* 3. *c.* 8. 5 *Ed.* 3. *c.* 9. 14 *Ed.* 3. *ſtat.* 1. *c.* 14. 25 Ed. 3. ſtat. 5. c. 4. 28 *Ed.* 3. *c.* 3.

37 Ed. 3. c. 18. *Enforced by* 11 R. 2. c. 10. 16 Car. 1. c. 10. *which regulates the Privy Council and takes away the Star Chamber.*

CAP. IV.

To what Sort of People Commiſſions of Inquiry ſhall be granted.

ITEM por ce qe commiſſions ont eſte faitz & grantez en divers contees as procurementz de certeins perſones denquere de certeins articles queux commiſſioners font leur enquerrees en places privees & par gentz nient ſufficeantz & de leur covyn plus au profit de eux qe en avantage du Roi ou de ſon poeple eſt aſſentu & accorde qe deſore en touz enquerrez deinz la Roialme ſoient commiſſions faites as aſcuns des Juſtices de lun Bank ou de lautre ou Juſtices daſſiſes ou Juſtices de la pees oveſque autres de meulx vauez du paiis ſibien pur profit du Roi come de la commune ſauve en loffice deſchetour en choſe qe touche celle office.

" ITEM, Becauſe that Commiſſions have been " made and granted in divers Counties, at the Pro- " curement of certain Perſons, to inquire of certain " Articles, which Commiſſioners have made their In- " quiries in ſecret Places, and by People not ſufficient " and of their Covin, more to their private Profit than " for the King's Advantage, or of his People;" ' it is ' aſſented and accorded, That from henceforth in all ' Inquiries within the Realm, Commiſſions ſhall be ' made to ſome of the Juſtices of the one Bench or of ' the other, or Juſtices of Aſſiſe, or Juſtices of the ' Peace, with others of the moſt worthy of the Coun- ' try, as well for the King's Profit as the Commons, ' ſaving in the Office of the Eſcheatorſhip, in Things ' which touch the ſame Office.'

CAP.

CAP. V.

Of what Sufficiency in Land every Eſcheator muſt be: He ſhall execute his Office in his own proper Perſon.

14 Ed. 3. ſtat. 1. c. 8.

"ITEM, Whereas it is contained in the Statutes ordained for the common Profit of Eſcheators, that none ſhould be Eſcheator unleſs he have ſufficient Land, whereof he may anſwer to the King and to his People;" it is aſſented, 'That no Eſcheator ſhall be made unleſs he have *xx l.* of Land at the leaſt, or more, in Fee; and that they do their Office in proper Perſon; and if any other be, he ſhall be put out.'

Enforced by 12 Ed. 4. c. 9. *By* 1 H. 8. c. 8. *Eſcheators ſhall have Lands to the yearly Value of xl Marks.*

Ex Rot. in Turr. Lond.

ITEM come contenue ſoit en les eſtatuz ordenez pur commune profit des eſchetours qe nul eſchetour ſoit ſil neit ſufficeantie de terre dont il poet reſpondre au Roi & ſon poeple eſt aſſentu qe nul eſchetour ſoit fait ſil neit vint liverees de terre au meins ou plus en fee & qils facent leur office en propre perſone & ſi autre ſoit ſoit ouſte.

CAP. VI.

Repealed by 5 Eliz. c. 4.

The Statute of 25 *Ed.* 3. *Stat.* 1. *c.* 1. concerning Labourers, *&c.* ſhall be executed.

CAP. VII.

EXP.

Londoners and none other, ſhall ſell Victuals by Retale.

CAP. VIII.

Altered by 43 Ed. 3. c 2. Rep. 5 El. c. 5—3 Bulſtr. 22.

Engliſh Merchants ſhall not paſs into *Gaſcoign* to fetch Wines, nor ſhall buy any Wines until they be landed.

CAP. IX.

Eſtreats ſhall be ſhewed to the Party indebted, and that which is paid ſhall be totted. No Sheriff, *&c.* ſhall continue in Office above a Year.

3 Ed. 1. c. 19. *Confirmed by* 7 H. 4. c. 3.

"ITEM, Whereas the green Wax is ſent to Sheriffs to levy the King's Debts, the Sheriffs Miniſters do levy the ſame by Rolls, and other Remembrances, and do not ſhew the ſame Eſtreats under the Seal of the Exchequer, ſo that which is once levied, cometh another Time in Demand, becauſe that they do not charge them fully of that which is levied, in Deceit of the King, and Impoveriſhment of his People;" 'it is ordained and aſſented, That a Man ſhall ſee the ſame Eſtreat ſealed, and that the ſame which is paid, be totted, and the ſame Eſtreats ſent to the Sheriffs upon the Receipt. And if any Sheriff or Miniſter do to the contrary, he ſhall be charged to anſwer to the Party, which thereof will him complain, his treble Damages, and make Fine to the King. And that he have his Suit as well before Juſtices of the Peace, as before other Juſtices. And that the Sheriffs be bound to accompt by the ſame Eſtreats ſo totted, and by none other. And the ſame Eſtreats ſhall not be doubled by the Sheriffs, but the Copy of the Eſtreats, wherein they touch the Franchiſes of Lords, ſhall be delivered to the Bailiffs of the Franchiſes under the Seal of the Sheriff, and that the ſame Bailiffs yield their Accompt in the Exchequer by the ſame Copies ſo delivered. And alſo that no Sheriff, Under-Sheriff, nor Sheriff's Clerk, abide in his Office above one Year, as it is ordained of Sheriffs by the Statute.'

Sheriffs ſhall accompt by Eſtreats totted, and none other. 14 Ed. 3. ſtat. 1. c. 7. 23 H. 6. c. 7. *confirms the Statutes declaring that Sheriffs ſhall continue in Office but one Year.* 6 H. 8. c. 18. *contains Exceptions with reſpect to the County of the Town of Briſtol. But ſee* 12 Ed. 4. c. 1. *and* 17 Ed. 4. c. 7. *empowering Sheriffs to occupy their Offices during Michaelmas and Hillary Terms, unleſs diſcharged before that Time.*

ENſement par la ou en la ver en cite eſt mandea viſconte pur lever les dettes le Roi les miniſtres des viſcontes les levent par roulles & autres remembrances & ne monſtrent les dites eſtretes deſouz le ſeal del Eſcheqier iſſint qe ce qeſt leve une foitz vient autrefoiz en demande par cauſe qils ne ſe chargent au plein de ce qeſt leve en deceit du Roi & empoveriſſement de ſon poeple eſt ordene & aſſentu qe homme veie les dites eſtretes enſeallees & qe ce qeſt paie ſoit tottee & meiſmes les eſtretes mandez as viſcontes ſur la receite. Et ſi aucuns viſcontes ou miniſtre face au contraire ſoit tenuz de reſpondre a la partie qe de ce ſoit voet pleindre de ſes damages a treble & face fin au Roi. Et qil eit ſa ſeute ſibien devant Juſticez de la pees come devaunt autres Juſtices. Et qe les viſcontes ſoient tenuz daccompter par meiſmes les eſtretes iſſint totes & par nul autre. Et ne ſoient les eſtretes doublees par les viſcontees mais la copie de les eſtretes en qant qe touchent franchiſe des Seignurs ſoient liverees as baillifs de franchiſes ſouz le ſeal du viſconte & qe meiſmes les baillifs rendent leur accompt en leſcheqier par meiſmes les copies iſſint liverez. Et enſement qe nul viſconte ſouzviſconte ne clerc de viſconte demoerge en ſon office outre un an come ordene eſt des viſcontes par eſtatutz.

CAP. X.

Children born beyond the Sea, if inheritable in *England*.

Ex Rot. in Turr. Lond.

AUSSINT ſur la petition mis en parlement par la communalte ſuppliant qe les enfantz neez pardela deinz les Seignuries de Caleys Guynes & Gaſcoigne & aillours deinz les terres & Seignories qe appartiegnent a noſtre Seignur le Roi pardela ſoient ſi avant ables & enheritables de leur heritages en Engleterre come autres enfantz neez deinz le Roialme dEngleterre eſt accorde & aſſentu qe la commune leye & leſtatut ſur ce point autrefoiz faitz ſoient tenuz & gardez. 25 Ed. 3. ſtat. 2.

CAP. XI.

Copies of Panels ſhall be delivered to the Parties ſix Days before the Seſſions.

ITEM porce qe diverſes meſchiefs ſont avenuz par cauſe qe les panelles des enqueſtes qont eſte priſes devant Juſtices par brief de Scire facias & autres briefs nont pas eſte retournez devant les ſeſſions des Juſtices a la Niſi prius & autrement ſi qe les parties ne purrent avoir coniſſance des nouns des perſons qe paſſeront en lenqueſte Par quel pluſeurs gentz ont eſte deſheritees & ſubduitz ſi eſt ordene qe nulle enqueſte forſpris aſſiſes & deliverances des gaoles ſoient priſes par brief de Niſi prius ne en autre manere a ſuite de nully grant ne petit avant ce qe les nouns de touz yceux qi paſſeront en les enqueſtes ſoient retournees en courte. Et qe les viſcontes arraient les panelles en aſſiſes quatre jours a meinz devant la ſeſſion des Juſtices ſur peine de vint livres iſſint qe les parties peuſſent avoir la veue des panelles ſils le demandent. Et quant a retourne ou reſpons des baillifs des franchiſes facent leur reſpons as viſcontes par ſis jours devant leur ſeſſion ſur meiſme la peine. Et en toute manere des panelles arraiez par viſcontes ou baillifs dein franchiſe ſoient mis les meulz vauez ſufficeantz & dignes de foy & nient ſuſpectz qont meillour coniſſance de la verite & pluis proſcheins.

"ITEM, Foraſmuch as divers Miſchiefs have happened, becauſe that the Panels of Inqueſts which have been taken before Juſtices by Writ of *Scire facias*, and other Writs, have not been returned before the Seſſions of the Juſtices at the *Niſi prius*, and otherwiſe, ſo that the Parties could not have Knowledge of the Names of the Perſons which ſhould paſs in the Inqueſt, whereby divers of the People have been diſherited and oppreſſed;" 'it is ordained, That no Inqueſt, but Aſſiſes and Deliverances of Gaols, be taken by Writ of *Niſi prius*, nor in other Manner, at the Suit of any Great or Small, before that the Names of all them that ſhall paſs in the Inqueſts be returned in the Court. And that the Sheriffs array the Panels in Aſſizes four Days at the leaſt before the Seſſions of the Juſtices, upon Pain of twenty Pounds, ſo that the Parties may have the View of the Panels, if they the ſame demand. And as to the Return or Anſwer of the Bailiffs of Franchiſes, they ſhall make their Anſwer to the Sheriff ſix Days before their Seſſion upon the ſame Pain. And in all Manner of Panels arrayed by the Sheriffs or Bailiffs within Franchiſe, ſhall be put the moſt ſubſtantial People, and worthy of Credit, and not ſuſpect, which have beſt Knowledge of the Truth, and be neareſt.'

By 7 W. 3. c. 3. ſect 7. Perſons tried for High Treaſon, &c. ſhall have Copies of the Panel, &c. 6 H. 6. c. 2.

What ſort of Perſons ſhall be returned upon Inqueſts. Regiſt. 178. Raſt. 117. See *farther* Index, *tit.* Juries.

Statutes made Anno 43 EDW. III. *and* Anno Dom. 1369.

Ex Rot. in Turr. Lond. *m.* 2.

EDWARD par la grace de Dieu Roi dEngleterre & de France & Seignur dIrland a noſtre viſconte de Stafford ſaluz. Come nadgairs eſtoit ordeigne pur profit du Roialme & ees des marchantz dEngleterre qe leſtaples de leins peaux lanuz & quirs ſerroient tenuz a Caleis & illoeqes ad eſte puis le primer jour de Marcz lan de noſtre regne trent ſeptiſme & ore par cauſe qe la pees autrefoitz pris parentre les Roialmes dEngleterre & de France eſt par les Franceys enfreint & grant peril de perde purroit avenir as biens du Roialme illoeqes eſteantz & venantz par mere a meſme leſtaple hors dEngleterre ſi meſme leſtaple feuſſe illoeqes contenue & ſur ce les Prelatz grantz & communes veiantz les meſchiefs & perils qe purroient avenir a les biens & marchandiſes celle partie prierent a noſtre Seignur le Roi en ceſt preſent parlement tenuz a Weſtm' a les octaves de la Trinite lan ſon regne d'Engleterre quarante tierce ſur ce ordeigner remedie.

"EDWARD by the Grace of God, *&c.* to the Sheriff of *Stafford* Greeting. Whereas of late it was ordained for the Profit of the Realm, and Eaſe of Merchants of *England*, that the Staple of Woolls, Woollfells, and Leather, ſhould be holden at *Calice*, and there it hath been ſithence the firſt Day of *March*, the ſeven and thirtieth Year of our Lord the King that now is: And now becauſe the Peace another Time taken between the Realms of *England* and *France* is by the *Frenchmen* broken, and great Peril might come to the Goods of the Realm there being, and coming by the Sea to the ſame Staple out of *England*, if the ſame Staple were continued: And thereupon the Prelates, Great Men, and Commons ſeeing the Miſchiefs and Perils which may happen to the Goods and Merchandiſes in this behalf, pray the King in this preſent Parliament holden at *Weſtminſter* at the *Utas* of the Holy Trinity, the three and fortieth Year of his Reign, thereupon to ordain Remedy."

The Danger which might enſue by keeping the Staple at Calice.

CAP.

CAP. I.

Ex Rot. in Turr. Lond.

27 Ed. 3. ſtat. 2. c. 1. O B. The Wooll Staple at *Calice* removed, what Towns in *England* it ſhall be holden at, and the former Appointment of the *Iriſh* and *Welſh* Staples confirmed.

CAP. II.

The Conditions on which *Engliſh*, *Iriſh*, and *Welſhmen*, not being Artificers, may import Wine from *Gaſcoign*, notwithſtanding the Statute of 42 EDW. III. *cap.* 8.

3 Bulſt. 21. ITEM come au parlement tenuz lan quarrant ſecond eſtoit ordeigne qe nul Engleis paſſeroit en Gaſcoign pur quere vyns illoeqes mes qe les vins fuiſſent ameſnez en Engleterre par les Gaſcoignes & autres aliens & coment qe la dit ordenance ad eſte par aſſay profitable au toute le Roialme nientmeins le Roi a la requeſt de ſon treſchier fitz le Prince qe ſad ſovent pleint qe ſes ſubſides & cuſtumes de vins en ſa principalte dAqitaigne ont eſte appetizes & amenuſez par cauſe qe les Engleis ne y venent pur achatre les vins come ils ſoleient & par tant demoert grant partie des vins nient venduz voet & grant del aſſent des prelatz grantz & communes qe touz Engleis Irrois & Galeys qe ne ſoient artificers puiſſent franchement paſſer en Gaſcoign pur quer vins illoeqes trovant ſufficeant ſeurtee avant ſon paſſage devant les meir & baillifs ou baillifs la ou meir neſt de la ville ou port ou il paſſera qil achatera en Gaſcoign cent tonelx de vin & nient meins de ſes biens propres & dautrie & les ameſnera ou ferra ameſner en Engleterre Gales ou Irland & null part aillours. Et ſi autrement ſoit fait par aſcun Engleis Galeis ou Irrois ſoient les vins & les niefs ameſnantz les ditz vins forfaitz au Roi & eit la priſon de un an & outre ſoit reint a la volunte le Roi. Et ſi aſcun Engleis paſſe en Gaſcoign ſanz trover tiel ſeurtee encourge la forfaiture de touz ſes biens devers le Roi. Et ſoient les ditz ſeurteez certifiez & retournez en la Chauncellerie le Roi par les ditz meir & baillifs ou par baillifs ou meir ny a deux foith par an ceſtaſſavoir a les octaves de la Chaundeleur & a la goule dAuſt. Et ſi null mier ou bailifs ſoeffrent aſcun Engleis paſſer tanqil eit trove tiel ſeurtee ou ſils ne certifient en Chancellerie en manere come dit eſt encourgent lempriſonement de lour corps dun an & outre ſoient reintz a la volunte le Roi. Et neſt pas lentention du Roi des grantz ne des communes qe lordinance fait des vins lan quarrant ſecond ſuſdit ſoit repellez ne anullez einz demoerge en ſuſpenſe tanqe lem verra quele profit ou damage ceſt preſent graunte ferra ou Roialme en temps avenir. Et voet le Roi qe les Gaſcoignes & lour ſervantz a toutes les foitz qe lour plerra vienent ove lour vins Engleterre Gales & Irland en manere & ſi franchement come il eſtoit ordeine en le dit an quarrant ſecond ou en aſcun temps devant.

CAP. III.

The King's Butler, or his Lieutenants, ſhall take no more Wines than is commanded.

4 Inſt. 30. "ITEM, Foraſmuch as the Great Men and Commons of the Realm before this Time, and now in this preſent Parliament, have grievouſly complained, for that the King's Butler and his Lieutenants in divers Places and Ports of the Realm, have ingroſſed and taken by Colour of their Office, for the Houſe and Expences of the King, * and by ſuch Colour have arreſted the Wines which Merchants brought into the ſaid Realm, and holden them ſo long in Arreſt, that the great Men and Commons, and other of the Realm, cannot thereof make their Purveyance, nor Merchants their Profit, and oftentimes by ſuch Colour, have ingroſſed and taken of them ſo many Tuns of Wine above that was needful for the King, that they have commonly ſold the ſame, and thereof made their ſingular Profit, and as much as other Merchants and Vintners in the Realm, to the great Damage of the ſaid * Merchants and other:" 'Whereupon the King deſiring to ordain Remedy of the Aſſent of the Great Men and Commons in this preſent Parliament hath ordained, That the Butler, nor any of his Lieutenants, ſhall not buy, in groſs, nor take by Colour of their Office, nor in other Manner to their proper Uſe, nor of others, more Wines for the Houſe and Expence of the King than they have in Commandment, upon Pain of Impriſonment of their Bodies, and to be ranſomed at the King's Will. And as much as they ſhall take by Force of the ſaid Warrant, ſhall be taken within Ten Days, and (that done) the Merchants of the ſaid

* Add *Greater Quantities of Wines than were needful or neceſſary for the ſaid Houſe and Expences.*

* Add *Great Men.*

The King's Butler ſhall take his Wine within Ten Days. 2 Bul. 254. 25 Ed. 3. ſtat. 5. c. 22.

ITEM pur ce qe les grantz & communes du Roialme avant ces heures & ore en ce parlement ſi ſont moult durement pleintz de ce qe le botiller le Roi & ſes lieutenantz en diverſes portz & lieux du Roialme ont embracez & pris par colour de lour offices pur loſtiel & deſpens du Roi plus grant nombre des vins qe meſtier ou buſoigne ne fuiſt pur le dit hoſtiel & deſpens & par tiel colour & ont areſtuz les vins de marchantz ameſnez en dit Roialme & tenuz ſi longement en areſt qe les grantz & autres du dit Roialme nont poier faire lour purveances ne les marchantz lour profit & ſovent ſouz tiel colour ont embracez & pris devers eux tant des vins outre ce qe meſtier neſtoit pur le Roi qils les ont communement venduz & ent fait lour ſinguler profit auxi avant come autres marchantz ou vynters du Roialme au grant damage des ditz grantz marchantz & autres ſur quoi le Roi deſirrant y mettre remede ad ordeine del aſſent des ditz grantz & communes en ce parlement qe le botiller ne null de ſes lieutenantz nachate nenbrace ne ne preigne par colour de lour office nen a utre manere a lour oeps propre ne dautri pluis des vins pur loſtiel & deſpens du Roi qils naveront en mandement ſur peine dempriſonement de lour corps & deſtre reint a la volunte le Roi. Et quanqe ils prendront par force du dit garrant ſerra pris dedeins x. jours & ce fait purront les marchantz des ditz vins & bien

liſe

Ex Rot. in Turr. Lond.

liſe a eux de remanant des vins deſlors faire lour profit nient contreeſtrant aſcun areſt ſur tieux vins faitz par le botiller ou aſcun de ſes lieutenants ſuſditz.

'Wines may, and it ſhall be lawful to them, of the Remnant of the ſaid Wines another Time to make their Profit, notwithſtanding any Arreſt made upon ſuch Wines by the Butler, or any of his Lieutenants aforeſaid.'

See 6 Geo. 1. c. 12. *for preventing Frauds in Allowances on damaged Wines, &c.*

CAP. IV.

King's general Pardon to all Men of Vert and Veniſon, ſaving to the Officers of his Foreſt, &c.

ITEM pur ce qe les Communes du dit Roialme ont priez au Roi qe lui pluiſt pardoner a eux de ſa grace eſpeciale les treſpaſſes faitz en foreſtes avant ces heures le Roi eant regard a les grandes eides qe ſes ditz Communes lui ont meintſoitz faitz & a les charges qils ont ſoffert en pluſours maneres de ſa grace eſpeciale ad releſſez & pardonez a ſes ditz communes & a cheſcun de eux toute manere de treſpas de vert & de veniſon faitz avant ces heures en ſes ditz foreſtes & le pris & forfaiture du vert & auxi les fines ranceons & amerciementz queconqes faitz ou affaire pur ceſte cauſe. Et ſi aſcuns des ditz Communes au preſent ſoient areſtuz empriſonez ou leſſez a mainpriſe pur tiele cauſe ſoient meintenant releſſez delivres frankes & quites & lour mainparnours auxi forſpris expreſſement Juſtice, Chief gardeins & gardeins de foreſt parks & chaces ſibien en fee come autrement & touz foreſtiers verders regardours agiſtours lieutenantz des gardeins ſouzforeſtiers & touz lour ſervantz & vendours de boys & ſubboys & autre miniſtres qeconqe de foreſt park ou chace du Roi les queux le Roi ne voet eſtre compris en ceſt pardon. Et pur ceo vous comandons qe les ordinances ſuſditz facez crier & publier en citees burghs & portz du meer & toutes autres lieux en voſtre baillie ſibein deinz fraunchiſe come dehors es lieux ou vouz verres qe mieltz ſoit a faire & les facez fermement garder & tenir ſolonc la tenour & forme dycelles. Don' ſouz noſtre grant ſeal a Weſtm' le xi jour de Juyn lan de noſtre regne dEngleterre quarrant tierce & de France trentiſme.

Eodem modo mandatum eſt ſingulis vicecomitibus per Angliam.

Statutes made at Weſtminſter, Anno 45 EDW. III. *and* Anno Dom. 1371.

CAP. I.

A Confirmation of the Great Charter, and the Charter of the Foreſt in all Points.

Ex Rot. in Turr. Lond. *m.* 1.

AU parlement ſomons a Weſtm' Lundy en la primere ſimaigne de Quarreſme lan du regne le Roi EDWARD tiercz puis le conqueſt quarrante quint entre autres choſes eſtoit ordeine & eſtabli qe la Grand Chartre & la Chartre de la Foreſte ſoient tenuz & gardez en touz pointz.

"AT the Parliament ſummoned at *Weſtminſter* the *Monday* in the firſt Week of *Lent*, the five and fortieth Year of the Reign of King EDWARD the Third," 'it is ordained, That the Great Charter and the Charter of the Foreſt be holden and kept in all Points.'

CAP. II.

The Penalty of him that ſetteth up or enhanceth Wears.

ITEM come en leſtatut fait a Weſtm' lan vint quint entre autres choſes eſtoit ordeine & accordees qe porce qe communes paſſages des niefs & bateux en les grantz rivers dEngleterre ſi feurent ſovent foitz deſtourbees par le lever des gortz molyns eſtanks eſtaches & kideulx en grant damage du poeple accorde feuſt & eſtabli qe touz tieux gortz molyns eſtankes eſtaches & kideulx qe feurent levez & mys en temps le Roi laiel & depuis en tieux ri[illegible] les niefs & bateulx feuſſent d[illegible] poent paſſer come ils ſoleient ic[illegible] ettement abatuz ſaunz eſtre relevez & ſerro[illegible] ce briefs mandez as viſ-

"ITEM, Whereas in the Statute made at *Weſtminſter*, in the five and twentieth Year, amongſt other Things it was ordained, That becauſe the common Paſſage of Ships and Boats in the great Rivers of *England*, were often diſturbed by the levying of Wears, Mills, Stanks, Stakes, and Kiddles, * *which were levied and ſet up in the Time of the King's Grandfather*, in great Damage of the people; it was accorded and eſtabliſhed, That all the Wears, Mills, Stanks, Stakes, and Kiddles, which were levied and ſet up in the Time of the King's Grandfather, and after in ſuch Rivers, whereby the Ships and Boats were diſturbed, that they might not paſs as they were wont, ſhould be cut, and wholly pulled down without repairing; and thereupon Writs ſhould be made and ſent to

A Confirmation of the Statute of 25 Ed. 3. ſtat. 4. c. 4. concerning the pulling down of Wears.

* *Not in Orig.*

Ex Rot. in Turr. Lond.

" the Sheriffs of Places where it ſhould be needful to " ſurvey, enquire, and to make thereof Execution, " and alſo that Juſtices be thereupon aſſigned at all " Times when Need ſhall require. And now at the " grievous Complaint of the Great Men and the Com- " mons made in this preſent Parliament, complain- " ing by their Petition, that the Statute is not duly " executed nor kept, according to the Effect of the " ſame;" ' it is accorded and eſtabliſhed, That the ' ſaid Statute in this Point be holden and kept ac- ' cording to the Effect of the ſame: joining thereto, ' that if any ſuch Annoyance de done, it ſhall be pull- ' ed down by due Proceſs contained in the ſaid Statute. ' And he that ſhall repair the ſame Annoyance, and ' thereof be duly attainted, ſhall incur the Pain of ' an hundred Marks to the King, to be levied by ' Eſtreats of the Exchequer. And the like Law ſhall ' hold of Annoyance made by enhanſing of ſuch ' Wears, Mills, Stanks, Stakes, and Kiddles, as by ' the new levying.'

contes des lieux ou meſtir ſerroit de ſurveer & en- quere & de faire ent execution & auſſint qe Juſtices ſerroient ſur ce aſſignez a toutes les foitz qil bu- ſoigneroit. Et ja a la grevouſe pleinte des grantz & communes faite en ceſt preſent parlement com- pleignantz par lour petition qe le dit eſtatut neſt pas duement execut ne garde ſolonc leffect dycele eſt accorde & eſtabli qe le dit eſtatut en ce ſoit tenuz & gardez ſolonc leffect dycele [illegible] a ycele qe ſi nul tiele anuſance ſoit abatu[illegible] due proces contenuz en le dit eſta[illegible] ceſy qi ſerra re- lever le dit anuſance & de ce ſoit atteint duement encourge la peine de cent marcs devers le Roi a lever par eſtrete en Leſcheqer. Et autiele ley ſe tiegne danuſance faite par le enhancer des tieux gortz molyn eranks eſtaches & kideulx come par novel lev[illegible]

The Penalty of him that ſetteth up again Wears, or doth enhance them.

Confirmed by 1 H. 4. c. 12. 9 H. 6. c. 9. *and farther enforced by* 12 Ed. 4. c. 7. *which inflicts Penalty on Offe[illegible]* *See farther Index, tit.* Wears.

CAP. III.

A Prohibition ſhall be granted where a Suit ſhall be commenced in a Spiritual Court for *Sylva cædua.*

11 Co. 48. 50 Ed. 3. f. 10. 9 H. 6. 56. Plow. 470. Cro. El. 1. 477, 736. 2 Inſt. 642. Cro. Jac. 100, 133.

" ITEM, At the Complaint of the ſaid Great Men " and Commons, ſhewing by their Petition, That " whereas they ſell their great Wood of the Age of " twenty Years, or of forty Years, or of greater Age, " to Merchants to their own Profit, or in Aid of the King " in his Wars, Parſons and Vicars of holy Church do " implead and draw the ſaid Merchants in the Spiritual " Court for the Tithes of the ſaid Wood, in the Name " of this Word called *Sylva cædua*, whereby they can- " not ſell their Woods to the very Value, to the great " Damage of them and of the Realm;" ' it is or- ' dained and eſtabliſhed, That a Prohibition in this ' Caſe ſhall be granted, and upon the ſame an Attach- ' ment, as it hath been uſed before this Time.'

ITEM a la pleinte des ditz grantz & communes monſtranz par lour petition qe come ils ven- dent leur gros boys dage de vint anns ou quarrante ans ou de greindre age as marchantz en profit de eux meſmes & en eide du Roi en ſa guerre par- ſones & vikers de Seint eſgliſe les ditz marchantz empledent & travaillent en court Criſtien pur les diſmes du dit boys en noun de ceſte parole Silve cedue par quoi ils ne poeient vendre leur boys a verroie pris a grant damage de eux & de Roialme eſt ordeine & eſtabli qe prohibition en ce cas ſoit grantee & ſur ce attachement come ad eſte avant ces heures.

Regiſt. 44. Fitz. N. B. 54. b. Raſt. 489.

CAP. IV.

No Impoſition ſhall be ſet upon Staple Merchandiſes without Aſſent of Parliament.

Confirmed by 11 R. 2. c. 9.

' ITEM it is accorded and eſtabliſhed, That no ' Impoſition or Charge ſhall be put upon Woolls, ' Woollfels, and Leather, other than the Cuſtom and ' Subſidy granted to the King, in no Sort, without the ' Aſſent of the Parliament; and if any be, it ſhall be ' repealed and holden for none.'

ITEM eſt accorde & eſtabli qe nul impoſition ou charge ſoit mys ſur les leines pealx lanuz ou quirs autre qe la cuſtume & ſubſide grantez au Roi nulle part ſaunz aſſent du parlement & ſi nul ſoit mys ſoit repelle & tenuz pur nul.

Rotulus Parliamenti de Anno Regni Regis EDWARDI *tertii quadrageſimo ſexto.* See Appendix.

Statutes made at Weſtminſter, Anno 47 EDW. III. *and* Anno Dom. 1373.

Repealed by 5 & 6 Ed. 6. c. 6. 43 El. c. 10. 4 Jac. 1. c. 2.

CAP. I.

The Length and Breadth of Cloth of Ray and Cloth of Colours.

MS. Reg. 19 A. XIV. N° 1384.

CAP.

CAP. II.

The Value of a *Scottiſh* Groat ſhall be Three Pence.

De Pardonationibus & Gratiis factis per Regem Communitati Regni ſui Anglie Anno quinquageſimo Regni EDW. III.

Satutes made at Weſtminſter Anno 50 EDW. III. *and* A. D. 1376.

Ex Rot. in Turr. Lond. *m.* 1.

DEL aſſent des Prelatz Ducs Countes Barons & autres aſſemblez au parlement tenuz a Weſtm' a la quinſzeine Seint Hiller lan de regne noſtre Seignur le Roi dEngleterre cynquantiſme & de France trent ſeptiſme meiſme noſtre Seignur le Roi deſirant molt qe la paix de ſa terre ſoit entierment garde & ſes foialx ſubgiz en quiete & tranquillite maintenuz ſi ad par tant fait & eſtabli certeines choſes ordinances & auxint ottroiez certeines graces & pardones a ſa commune dEngleterre en la fourme qe ſenſuyt les queles ordinances pardones & graces il voet qal honeur de Dieu & ſeinte eſgliſe & quiete de meiſme ſon poeple ſoient fermement tenuz & gardez en touz pointz.

"BY the Aſſent of the Prelates, Dukes, Earls, Barons, and others aſſembled at the Parliament holden at *Weſtminſter*, the Fifteenth of St. *Hillary*, the Year of the Reign of our Lord the King that now is, of *England* the fiftieth, and of *France* the ſeven and thirtieth; the ſame our Lord the King much deſiring that the Peace of his Land be well kept, and his faithful Subjects in Quietneſs and Tranquillity maintained, hath therefore made and eſtabliſhed certain Ordinances, and alſo granted certain Graces and Pardons to his Commons of *England*, in the Form as hereafter followeth: Which Ordinances, Pardons, and Graces he will, for the Honour of God and of Holy Church, and Quietneſs of the ſame his People, they be firmly kept and holden in all Points."

CAP. I.

A Confirmation of the Liberties of the Church.

PRimerement eſt ordeigne & eſtabli qe ſeinte eſgliſe eit ſes libertees & franchiſes en quiete ſanz empeſchement ou deſtourbance aſcune.

'FIRST it is ordained and eſtabliſhed, That holy Church have all her Liberties and Franchiſes in Quietneſs, without Impeachment or other Diſturbance.'

CAP. II.

A Confirmation of the Great Charter and the Charter of the Foreſt.

ITEM qe la Grant Chartre & la Chartre de la Foreſt ſoient fermement tenuz & gardez en touz pointz.

'ITEM, That the Great Charter and the Charter of the Foreſt, be firmly holden and kept in all Points.'

CAP. III.

The King's Pardon to the People in the Year of his Jubile. *See Appendix.*

CAP. IV.

No Prohibition ſhall be allowed after Conſultation duly granted.

ITEM eſt ordine & eſtabli de laſſent avantdit qe par la ou conſultation eſt une foitz duement grauntez ſur prohibition faite a Juge de ſeinte eſgliſe qe meſme le Juge puiſſe procedre en la cauſe par vertue de meſme la conſultation non obſtante aſcun autre prohibition ſur ceo a luy baille Purveu toutefoitz qe la mattire en la libell du dite cauſe ne ſoit engroſee enlargee ou par autre manere chaungee.

'ITEM it is ordained and ſtabliſhed of the ſaid Aſſent, That whereas a Conſultation is once duly granted upon a Prohibition made to the Judge of the holy Church, that the ſame Judge may proceed in the Cauſe by virtue of the ſame Conſultation, notwithſtanding any other Prohibition thereupon to him delivered: Provided always, that the Matter in the Libel of the ſaid Cauſe be not engroſſed, enlarged, or otherwiſe changed.'

Cro. Car. 208.
1 Roll 378.
2 Roll 207, 500.
See Stat. of the Writ of Conſultation, 24 Ed. 1.
3 Bulſtr. 182.
Carthew 463.
Latch 6.
Regiſt. 45.

CAP. V.

None ſhall arreſt Prieſts or Clerks doing Divine Service.

Enforced by 1 R. 2. c. 15. which inflicts Penalty on Offenders.

" ITEM, becauſe that Complaint is made to our " Lord the King by the Clergy of his ſaid Realm " of *England*, that as well divers Prieſts bearing the " ſweet body of our Lord Jeſus Chriſt to ſick People, " and their Clerks with them, as otherwiſe divers " other Perſons of holy Church, whiles they attend " to Divine Services in Churches, Churchyards, and " other Places dedicated to God, be ſundry Times " taken and arreſted by Authority Royal, and Com- " mandment of other Temporal Lords, in Offence of " God, and of the Liberties of holy Church, and alſo " in Diſturbance of Divine Services aforeſaid;" ' the ' ſame our Lord the King, who would be ſore diſ- ' pleaſed if any did in ſuch Manner, will and granteth, ' and defendeth upon his grievous Forfeiture, That ' none do the ſame from henceforth, ſo that Colluſion ' or feigned Cauſe be not found in any of the ſaid Per- ' ſons of holy Church in this Behalf.'

See 1 Mar. ſeſſ. 2. c. 3. for the Penalty of moleſting Prieſts during Service.

Ex. Rot. in Turr. Lond.

ITEM pur ceo qe pleinte eſt faite a noſtre Sei- gnur le Roi par le clergie de ſon dit Roialme dEngleterre qe ſibien diverſes preſtres portantz le corps noſtre Seignur Jeſu Chriſt as malades & leur clerks oveſqe eux come autrement pluſours autres perſones de ſeinte eſgliſe tant come ils entendont as divines ſervices es eſgliſes cimitoires & autres lieux dediez a Dieu ſont pluſours foitz pris & arreſtuz par auctorite roiale & commandement des autres Seignours temporeles en offence de Dieu & de li- bertee de ſa ſeinte eſgliſe & auxint deſtourbance des divines ſervices avantditz meſme noſtre Seignur le Roi a qi meult deſpleroit ſi nully le fiſt en tiel manere voet & grante & auxint defende ſur ſa gre- vouſe forfaiture qe nully le face deſoremes Iſſint qe colluſion ou cauſe feyne ne ſoit trove en aſcun des ditz parſones de ſeinte eſgliſe en celle partie.

CAP. VI.

Fraudulent Aſſurances of Lands or Goods, to deceive Creditors, ſhall be void.

Raſt. 197. Dyer 295. Fitz. Execution 58, 108.

" ITEM, Becauſe that divers People inherit of di- " vers Tenements, borrowing divers Goods in " Money or in Merchandize of divers People of this " Realm, do give their Tenements and Chattels to " their Friends, by Colluſion thereof to have the " Profits at their Will, and after do flee to the Fran- " chiſe of *Weſtminſter*, of St. *Martin le Grand* of *Lon- " don*, or other ſuch privileged Places, and there do " live a great Time with an high Countenance of an- " other Man's Goods and Profits of the ſaid Tene- " ments and Chattels, till the ſaid Creditors ſhall be " bound to take a ſmall Parcel of their Debt, and re- " leaſe the Remnant;" ' it is ordained and aſſented, *Enforced by* 2 R. " That if it be found that ſuch Gifts be ſo made by 2. *ſtat.* 2. c. 3. " Colluſion, that the ſaid Creditors ſhall have Exe- 3 H. 7. c. 4. " cution of the ſaid Tenements and Chattels, as if no 13 El. c. 5. " ſuch Gift had been made.' *which make fraudulent Deeds void.*

ITEM pur ceo qe diverſes gentz inheritez des diverſes tenementz creantceantz diverſes biens en monoie ou en marchandiſe des pluſours gentz de Roialme donnont lour tenementz & chateux a lour amys par colluſion davoir ent les profitz a leur vo- lente & puis ſenfuent a la fraunchiſe de Weſtm' ou Seint Martyn le Grant en Loundres ou autres tielx places privilegeez & illoeqes vivent long temps a grant countenance dautry biens & des profitz des ditz terres & chateux tanqe les ditz creditours ſer- ront molt leez de prender une petite parcelle de lour dettes & releſſer le remanant ordeigne eſt & aſſen- tuz qe ſi purra eſtre trovez qe tielx douns ſoient iſſint faitz par colluſion qe les ditz creditours eint execution des ditz tenementz & chateux auxi avant come nul tiel doun nent euſte eſte faite.

CAP. VII.

Woollen Cloths ſhall not be tranſported before they be fulled.

' ITEM it is ordained and defended by our Lord ' the King, That no Woollen Cloths ſhall be car- ' ried into any Part out of our Realm of *England* be- *Enforced by* ' fore they be fulled; nor that any Subſidy be thereof 7 Ed. 4. c. 3. ' demanded nor paid, before that they be fulled.' 3 H. 7. c. 11.

ITEM ordeigne eſt & defenduz par noſtre Sei- gnur le Roi qe nulles draps de leyns ſoient ameſ- nez nulle part hors del Roialme dEngleterre devant qils ſoient fullez ne qe nulle ſubſide ent ſoit de- mande ou pais devant ceo qils ſoient fullez.

See farther 5 H. 8. c. 3. 27 H. 8. c. 13. 33 H. 8. c. 19. 8 El. c. 6. and 10 Ann. c. 16. which contain ſome Alterations and Amendments of this Act.

CAP. VIII.

Certain Cloths whereof no Subſidy or Aulnage ſhall be paid.

47 Ed. 3. c. 1.

2 Ed. 3. c. 14. 25 Ed. 3. ſtat. 4. c. 1. 10 Annæ c. 16. *By* 11 *W.* 3. c. 20. *Aulnage is taken away.*

ITEM ordeigne eſt & eſtabli qe nulle ſubſide ou aulnage ſoient paiez levez ne damandez des draps ap- pellez Friſe-ware queux ſount faitz en Irland ou autrement en Engleterre de leynes Irreiſes ameſnes deinz le Roialme dEngleterre a cauſe qe celles draps ne contienent longeure & laieure ordeinee par eſtatut par tant ne devient eſtre compriſes en les eſtatutz nadgairs faitz des draps du ray & du colour.

Thus End the Statutes made in the Time of the noble King *Edward* III.

Anno

Anno primo RICHARDI Secundi.

Statutes made at Weſtminſter *the Firſt Year of the Reign of King* RICHARD II. *after the Conqueſt of* England, *in the Year of our Lord God* 1377.

Ex Rot. in Turr. Lond. *m.* 52.

RICHARD par la grace de Dieu Roi dEngleterre & de Fraunce & Seignour dIrland a noſtre viſcont de Midd' ſaluz. Sachez qal honour de Dieu & reverence de ſeinte egliſe pur nurrir paix unite & concorde toutz partz deinz noſtre Roialme dEngleterre le quele nous deſirons moult entierment del aſſent des Prelates Ducs Contes & Barons de meſme noſtre Roialme al inſtance & eſpecial requeſt des communes de noſtre Roialme avantdit aſſemblez a noſtre parlement tenuz a Weſtm' a la quinſzein de Seint Michel lan de noſtre regne primer avons fait ordeigner & eſtabler certeins eſtatutz en amendement & relievement de meſme noſtre Roialme en la forme qe ſenſuyt.

"RICHARD by the Grace of God King of *England* and of *France*, and Lord of *Ireland*, to the Sheriff of *Middleſex*, Greeting. "Know thou, that to the Honour of God and Reverence of holy Church, for to nouriſh Peace, Unity, "and Concord in all the Parts within our Realm of "*England* (which we do much deſire) by the whole "Aſſent of the Prelates, Dukes, Earls, and Barons of "this our Realm, at the Inſtance and eſpecial Requeſt "of the Commons of our Realm aſſembled at our "Parliament holden at *Weſtminſter* the fifteenth Day "of St. *Michael*, in the firſt Year of our Reign, "we have ordained and ſtabliſhed certain Statutes "in Amendment and Relief of this our ſaid Realm, "in Manner and Form following."

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed.

PRimerement eſt aſſentuz & eſtabliz qe ſeint egliſe eit & enjoiſe toutes ſes droitures libertes & fraunchiſes entierment & ſanz emblemeſſement & qe la Grande Chartre quel a la requeſt de la dite commune eſtoit lu en dit parlement & auxint la Chartre de la Foreſt & toutes les autres bones ordenances & eſtatutz faitz en temps des progenitours noſtre Seignour le Roi qore eſt & nient repellez ſoient tenuz & fermement gardez en toutz poyntz.

'FIRST it is agreed and eſtabliſhed, That holy 'Church ſhall have and enjoy all her Rights, 'Liberties, and Franchiſes wholly and without Bleminſh; and that the Great Charter, which at the Requeſt of the ſaid Commons was read in the ſaid Parliament, and alſo the Charter of the Foreſt, and all other good Statutes and Proviſions made in the Time of the Progenitors of our Lord the King that now is, and not repealed, ſhall be obſerved and firmly kept in all Points.'

The Great Charter read in Parliament.

CAP. II.

The Peace ſhall be kept, and Juſtice ſhall be done to all Perſons.

ITEM noſtre Seignour le Roi deſirant ſoveraignement la tranquillite & quiete de ſon poeple voet & comande eſtroitement qe la paix deinz ſon Roialme dEngleterre ſoit fermement tenuz & gardez iſſint qe touz ſez loialx ſubgitz purront deſore ſauvement & peſiblement aler venir & demorer ſolonc les loys & uſages du Roialme & qe bone juſtice & owel droit ſoit fait a cheſcuny.

'ITEM, Our ſaid Lord the King greatly deſiring 'the Tranquillity and Quietneſs of his People, 'willeth and ſtraitly commandeth, That the Peace 'within his Realm of *England* be ſurely obſerved and 'kept, ſo that all his lawful Subjects may from henceforth ſafely and peaceably go, come, and dwell according to the Law and Uſage of the Realm; and 'that Juſtice and Right be indifferently miniſtered 'to every Perſon.'

CAP. III.

Prelates ſhall have their Action of Treſpaſs againſt Purveyors offending.

ITEM qe leſtatutz nadgaires faitz en temps la noble Roi E. aiel a noſtre Seignour le Roy qore eſt des purveours & achatours ſoient tenuz & fermement gardez en toutz poyntz adjouſtantz a ycell qe pur ce qe Prelatz & clercs ne purrount ent faire lours ſuytes envers nully par voie de crome come les ditz eſtatutz demandent qe toutes Prelatz & clercs ent eient deſore lour actions envers touz tieux purveours ou achatours par voie de treſpaſs & y recoverent lour damages au treble.

3 Ed. 1. c. 1. 14 Ed. 3. *ſtat.* 4. c. 1. 18 Ed. 3. ſtat. 3.

c. 4. Regiſt. 281. 12 *Car.* 2. *c.* 24. *takes away Purveyance: But ſee* 13 *Car.* 2. *ſtat.* 2. *c.* 8. *and* 13 & 14 *Car.* 2. *c.* 20. *which ſuſpend the* 12 *Car.* 2. *for particular Purpoſes. See likewiſe the yearly Mutiny Acts.*

CAP.

CAP. IV.

The ſeveral Penalties or ſeveral Perſons that do maintain Quarrels.

Kel. 50. b. Fitz. Maintenance. 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, Raſt. 119, 427, &c. Cro. El. 594.

'ITEM it is ordained and ſtabliſhed, and the King our Lord ſtraitly commandeth, That none of his Counſellors, Officers, or Servants, nor any other Perſon within the Realm of *England*, of whatſoever Eſtate or Condition they be, ſhall from henceforth take nor ſuſtain any Quarrel by Maintenance in the Country, nor elſewhere, upon a grievous Pain; that is to ſay, the ſaid Counſellors and the King's great Officers, upon a Pain which ſhall be ordained by the King himſelf, by the Advice of the Lords of his Realm; and other leſs Officers and Servants of the King, as well in the Exchequer, and all his other Courts and Places, as of his own meiny, upon Pain to loſe their Offices and Services, and to be impriſoned, and then to be ranſomed at the King's Will, every of them according to their Degree, Eſtate, and Deſert; and all other Perſons through the Realm upon Pain of Impriſonment, and to be ranſomed as the other aforeſaid.'

Ex Rot. in Turr. Lond.

ITEM ordeine eſt & eſtabli & le Roi noſtre Seignour defend eſtroitement qe nul conſeiler officer ou ſervant nautre oveſqe lui naſcun autre perſone du Roialme dEngleterre de quel Eſtate ou condition qils ſoient nenpriegnent deſore ou ſuſteignant aſcun querell par mayntenance en pais ou aillours ſur grevouſe peyne ceſt aſſavoir les ditz conſeillers & grantz officers du Roi ſur peyne qe ſerra ordeigne par le Roi meſmes del avys des Seignours de Roialme & les autres meyndres officers & ſervantz le Roi ſibien en Leſcheqer & en toutes ſes autres Courtes & places come de ſa propre meignee ſur peine de perdre lour offices & ſervices & deſtre empriſonez & dilloeqes eſtre reintz a la volunte le Roi cheſcun de eux ſolonc ſez degre eſtat & deſert & toutz autres p[illegible]ſc[illegible]s parmy le Roialme ſur la dite peyne denpriſonement & deſtre reintz come les autres deſus ditz.

Regiſt. 182, &c. 3 *Ed.* 1. *c.* 28 & 33. 13 *Ed.* 1. *ſtat.* 1. *c.* 49. *ſee* 32 H. 8. *c.* 9.

28 Ed. 1. ſtat 3. c. 11. 33 *Ed.* 1. *ſtat.* 3. 1 *Ed.* 3. *ſtat.* 2. *c.* 14. 4 *Ed.* 3. *c.* 11. 20 *Ed.* 3. *c.* 4. 1 *R.* 2. *c.* 4. 7 *R.* 2. *c.* 15. *and which inflicts farther Penalties on unlawful Maintenance.*

CAP. V.

The Puniſhment of a Clerk of the Exchequer making Proceſs for a Debt paid.

51 H. 3. ſtat. 5. 10 Ed. 1. ſtat. of Rutland. 37 Ed. 3. c. 4.

'ITEM it is ordained, That all Statutes and Ordinances made before this Time of Officers of the Exchequer, be holden and firmly kept in all Points. And moreover it is ordained and eſtabliſhed, That at what Time any Debts be once paid, and the Tallies thereof made, rejoined, and allowed in the ſaid Exchequer, that this Debt ſhall never come in Demand. And if it ſo happen, that after ſuch Allowance made there, any Clerk of the Exchequer make any Writ or Proceſs to levy the ſame Debt of new, and that duly proved, the ſame Clerk ſhall loſe his Office, and have Impriſonment till he hath made Gree to the Party by ſo much as he is endamaged, if any will ſue, by the Diſcretion of the Treaſurer and the Barons of the Exchequer.'

ITEM ordeigne eſt qe toutz eſtatutz & ordeignances faitz avant ſes hoeures des officers del Eſcheqer ſoient tenuz & fermement gardez en toutz poyntz. Et outre ce ordeigne eſt & eſtabliz qe a quel heure qaſcuns dettes ſoient un foitz paiez & les tailles ent faitz rejointz & allowez en dite Eſcheqer qe cel dette ny courge jamais en demande. Et ſil aveigne enſi qapres tiel allowance fait illoeqes aſcun clerc du dit Eſcheqer face brief ou proces pur lever meſme le dette de novel. & ce duement provez qe meſme le clerc perde ſon office & eit la priſon tanqe il avera fait gree a la partie par tant en damage ſi aſcuny vorra ſuyr par la diſcretion des Treſorer & Barons du dit Eſcheqer.

CAP. VI.

OB. Commiſſions ſhall be awarded to enquire of and puniſh the Miſbehaviour of Villains and Land-Tenants to their Lords.

CAP. VII.

There ſhall be no giving of Liveries for Maintenance.

13 *Ed.* 1. *ſtat.* 1. *c.* 49. 28 *Ed.* 1. *ſtat.* 3. *c.* 11. 33 *Ed.* 1. *ſtat.* 3. 1 *Ed.* 3. *ſtat.* 2. *c.* 14. 4 *Ed.* 3. *c.* 11. 20 *Ed.* 3. *c.* 4. 1 *R.* 2. *c.* 4.

Statutes ordained againſt Maintenance.

"ITEM, Becauſe that divers People of ſmall Revenue of Land, Rent, or other Poſſeſſions, do make great Retinue of People, as well of Eſquires as of others, in many Parts of the Realm, giving to them Hats and other Liveries, of one Suit by Year, taking of them the Value of the ſame Livery, or percaſe the double Value, by ſuch Covenant and Aſſurance, that every of them ſhall maintain the other in all Quarrels, be they reaſonable or unreaſonable, to the great Miſchief and Oppreſſion of the People;" it is ordained and aſſented, That the Statutes and Ordinances made in ſuch Caſe before this Time, be kept and duly executed. And moreover the

ITEM pur ce qe pluſours gentz de petit gariſon de terre rent ou dautre poſſeſſions ſont grantz retenuz des gentz ſibien deſquiers come dautres en pluſours parties del Roialme donantz a eux chaperons & autre livere dun ſuyte par an repreignantz vers eux la value de cel livere ou par cas la double value par tiel covenant & aſſurance qe cheſcun de eux mayntiendra autre en toutz querelles ſoient eles reſonables ou non reſonables a grant meſchief & oppreſſion du poeple ordeigne eſt & aſſentuz qe les eſtatuz & ordenances faites en tieu cas avant ſes heures ſoient gardez & duement executz. Et outre ce le Roi defend eſtroitment qe deſormes nul tiel livere

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vere ne ſoit done a nully pur mayntenance des querels nautre confederacie ſur peyne denpriſonement & grevouſe forfaiture au Roi. Et enquergent diligealment les Juſtices des aſſiſes des touz ceux qi ſe coillent enſemble en fraternitez par tiel livere affaire meyntenance & ceux qi ent ſerront trovez coupablez ſoient duement punys cheſcun ſolonc la quantite de ſa deſert.

'King doth ſtraitly defend, that from henceforth no ſuch Livery be given to any Man for Maintenance of Quarrels, nor other Confederacies, upon Pain of Impriſonment and grievous Forfeiture to the King: And the Juſtices of Aſſiſes ſhall diligently enquire of all them that gather them together in Fraternities by ſuch Livery to do Maintenance; and they which thereof ſhall be found guilty, ſhall be duly puniſhed, every Man after the Quantity of his Deſert.'

The Puniſhment of them which give Liveries for Maintenance.

Juſtices of Aſſiſe ſhall enquire of, and puniſh this Offence.

See 20 R. 2. c. 1. *See farther* Maintenance.

7 R. 2. c. 15. and 32 *H. 8. c. 9. which inflict Penalties on unlawful*

CAP. VIII.

In what Caſe a Protection *cum clauſula Volumus* is not allowable.

ITEM eſt aſſentuz qe deſore nul protection ove clauſe de Volumus ſoit allowe devant aſcun Juge pur vitailles pris ou achatez ſur le viage ou ſervice dont la protection fait mention nauxint en plees de treſpas ou dautre contracte fait ou perpetrez puis la date de meſme ia protection.

'ITEM it is aſſented, That from henceforth no Protection with the Clauſe of *Volumus* be allowed before any Judge for Victuals taken or bought upon the Voyage or Service whereof the Protection maketh mention, nor alſo in Pleas of Treſpaſs, or of other Contract, made or perpetrate after the Date of the ſame Protection.'

Reg. 22.

33 Ed. 1. ſtat. 1. Stat. de Protectionibus.

25 Ed. 3. ſtat. 5. c. 19. Explained by 13 R. 2. ſtat. 1. c. 16. *See farther Index, tit.* Protection.

CAP. IX.

A Feoffment of Lands or Gift of Goods for Maintenance ſhall be void. An Aſſiſe is maintainable againſt the Pernor of the Profits of Lands.

ITEM pur ceo qe pleint eſt fait a Roi qe pluſours gentz de dite Roialme ſibien greyndres come meyndres eiantz droit & verrois titles ſibien as terres tenementz & rentz come en autres actions perſonels ſont torcenouſement delaiez de lour droit & actions parmy ceo qe les occupiours ou defendantz pur eſtre ſuſtenuz & mayntenuz en lour tort font communement dounes & feoffementz de lour terres & tenementz qe ſont en debate & de lours autres biens & chateux as Seignurs & autres grantz du Roialme vers queux les ditz purſuantz pur grant manace qe lour eſt faite ne poient ne ne oſent faire lour purſuytes & auxint dautre part pleinte eſt fait qe meynſoitz pluſours gentz diſſeiſent autres de lour tenementz & tantoſt apres la diſſeiſine fait font diverſes alienations & feoffementz aſcunfoitz as Seignurs & grantz de Roialme pur meyntenance avoir & aſcunfoitz as pluſours perſones de qi nouns les diſſeiſez ne poent avoir coniſſance au fin dalloigner & delaier par tieux fraudes les ditz diſſeiſez & les autres demandantz & lour heirs de lour recoverer a grant anientiſſement & oppreſſion du poeple ordeigne eſt & eſtably qe deſormes nulle don ou feoffement des terres tenementz ou biens ſoit fait par tiel fraude ou mayntenance & ſi aſcuns ſoient faitz tielment ſoient tenuz pur nulles & de nulle value & eient deſore les diſſeiſez lour recoverir vers les primers diſſeiſours ſibien des terres & tenementz come de lour doubles damages ſanz avoir regard as tielx alienations pariſſint qe les diſſeiſiz comencent lour ſuytes deinz lan proſchein apres la diſſeiſine faite. Et ordeigne et aſſentuz qe meſme ceſt eſtatut

"ITEM, Becauſe it is complained to the King, that many People of the ſaid Realm, as well great as ſmall, having right and true Title as well to Lands, Tenements, and Rents, as in other perſonal Actions, be wrongfully delayed of their Right and Actions, by means that the Occupiers or Defendants to be maintained and ſuſtained in their Wrong, do commonly make Gifts and Feoffments of their Lands and Tenements which be in Debate, and of their other Goods and Chattels to Lords and other great Men of the Realm, againſt whom the ſaid Purſuants, for great Menace that is made to them, cannot nor dare not make their Purſuits: And alſo on the other Part Complaint is made to the King, that oftentimes many People do diſſeiſe other of their Tenements, and anon after the Diſſeiſin done, they make divers Alienations and Feoffments, ſometime to Lords and Great Men of the Realm to have Maintenance, and ſometime to many Perſons of whoſe Names the Diſſeiſees can have no Knowledge, to the Intent to defer and delay by ſuch Frauds the ſaid Diſſeiſees, and the other Demandants, and their Heirs, of their Recovery, to the great Hindrance and Oppreſſion of the People:" 'It is ordained and eſtabliſhed, That from henceforth no Gift or Feoffment of Lands, Tenements, or Goods be made by ſuch Fraud or Maintenance; and if any be in ſuch wiſe made, they ſhall be holden for none and of no Value; and the ſaid Diſſeiſees ſhall from henceforth have their Recovery againſt the firſt Diſſeiſors, as well of the Lands and Tenements, as of their double Damages, without having Regard to ſuch Alienations, ſo that the Diſſeiſees commence their Suits within the Year next after the Diſſeiſin done. And it is ordained and ſtabliſhed, That the ſame Statute

1 Co. 123.

Bro. Feoffments, 1. 19. Fitz. Counterplee de voucher 3. Fitz. Return de Viſcount, 5. Co. Lit. 369. 1 H. 5. f. 4. 12 H. 4. f. 21. 9 H. 6. f. 14. 22 H. 6. f. 16. 39 H. 6. f. 44. 1 Ed. 4. f. 2. 4 Ed. 4. f. 17. 21 H. 6. f. 55. Raſt. 68.

A Diſſeiſee may maintain an Aſſiſe againſt the Pernor of the Profits.

'ſhall

Altered by 4 H. 4. c. 7. which is explained by 11 H. 6. c. 3. Altered further by 1 H. 7. c. 1. 27 H. 8. c. 10. 4 H. 4. c. 7. 4 H. 7. c. 24.

'shall hold Place in every other Action or Plea of Land where such Feoffments be made by Fraud or Collusion, to have their Recovery against the first such Feoffor. And it is to wit, that this Statute ought to be understood where such Feoffors thereof take the Profits.'

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teigne lieu en cheſcun autre action ou ple de terre ou tielx feffementz ſont faitz par fraude ou colluſion davoir lour recoverer vers le primer tiel feffour. Et eſt aſſavoir qe ceſt eſtatut doit eſtre entenduz la ou tieux feffours ent preignent les profitz.

CAP. X.

EXP. A Confirmation of the Pardon granted by King EDW. III. in the 51ſt Year of his Reign.

CAP. XI.

None that hath been Sheriff, ſhall be ſo again, within three Years.

'ITEM it is ordained, That none that hath been Sheriff of any County by an whole Year, ſhall be within three Years next enſuing choſen again, or put in the ſame Office of Sheriff, if there be other ſufficient in the ſaid County of Poſſeſſions and Goods to anſwer to the King and his People.'

Rot. 242. 14 Ed. 3. ſtat. 1. c. 7. 42 Ed. 3. c. 9. *See* 23 H. 6. c. 7. *See farther* 12 *Ed.* 4. *c.* 1. *and* 17 *Ed.* 4. *c.* 7. *empowering Sheriffs to occupy their Offices during Michaelmas and Hillary Term, unleſs diſcharged before that Time.*

ITEM ordeigne eſt qe nully qad eſte viſcont dune conte par un an entier ne ſoit deinz les trois anz proſcheins enſuantz reeſluz ou remys en dite office de viſcont ſi y ſoit autre ſuffiſant en dite contee des poſſeſſions & biens pur reſpondre a Roi & a poeple.

CAP. XII.

A Priſoner by Judgement ſhall not be let at large. Confeſſion of a Debt to the King to delay another's Execution.

3 Bulſtr. 97. Plow. 35. Dyer 66, 162, 271, 278, 297, 306, 322. Kel. 2. 3 Co. 52, 71. 5 Co. 89. 8 Co. 142. Fitz. Dette, 53, 67, 110, 130, 162. Fitz. Executor. 74, 100. 1 Roll 205, 241, 275.

"ITEM, Whereas divers People, at the Suit of the Party commanded to the Priſon of the *Fleet*, by Judgement given in Courts of our Lord the King, be oftentimes ſuffered to go at large by the Warden of the Priſon, ſometime by Mainpriſe or by Bail, and ſometimes without any Mainpriſe with a Baſton of the *Fleet*, and to go from thence into the Country about their Merchandiſes and other their Buſineſs, and be there long out of Priſon Nights and Days, without their Aſſent at whoſe Suit they be judged, and without their Gree thereof made, whereby a Man cannot come to his Right, and Recovery againſt ſuch Priſoners, to the great Miſchief and Undoing of many People:" 'It is ordained and aſſented, That from henceforth no Warden of the *Fleet* ſhall ſuffer any Priſoner there being by Judgement at the Suit of the Party, to go out of Priſon by Mainpriſe, Bail, nor by Baſton, without making Gree to the ſaid Parties of that whereof they were judged, unleſs it be by Writ or other Commandment of the King, upon Pain to loſe his Office, and the Keeping of the ſaid Priſon. And moreover, if any ſuch Warden from henceforth be attainted by due Proceſs, that he hath ſuffered or let ſuch Priſoner to go at large againſt this Ordinance, then the Plaintiffs ſhall have their Recovery againſt the ſame Warden by Writ of Debt. And alſo it is ordained, That if any at the Suit of the Party judged to another Priſon for Debt, Treſpaſs, or other Quarrel, will confeſs himſelf voluntarily, and by a feigned Cauſe, Debtor to the King, and by that Means to be judged to the ſaid Priſon of the *Fleet*, there to have greater Sweet of Priſon than elſewhere, and ſo to delay the Party of his Recovery; the ſame Recogniſance ſhall be there received, and if he be not Debtor to the King of Record, his Body ſhall incontinently be remanded to the Priſon where he was before, there to remain till he hath made Gree to the ſaid Party, and the ſame

The Penalty of the Warden of the Fleet, if he ſuffer a Priſoner being there by Judgment, to go at large. 13 Ed. 1. ſtat. 1. c. 11. 1 Saund. 38.

The Penalty of him who confeſſeth a Debt due to the King, to delay another's Execution.

ITEM pur ce qe diverſez gentz a ſuyte de partie comandez a la priſone de Flete par jugement renduz en les courtes noſtre dit Seignur le Roi ſont pluſours foitz ſoeffertz aler a large par le gardein de la dite priſone alefoitz par maynpris ou baill & alefoitz ſanz aſcun maynpris avec une baſton de Flete & ſen vont en paiis entour lour marchandiſe & autres lour boſoignes & y ſont longement hors du priſon noetz & jourz ſanz laſſent de ceux a q[ui] ſuyte ils y ſont ajuggez & ſanz lour gree ent faire par ont homme ne poet jamais venir a ſon droit recoverer devers tieux enpriſonez a grant meſchief & anientiſſement de pluſours gentz ordeigne eſt & aſſentuz qe deſormes nul gardein de la dit priſone de Flete ſoeffre aſcun priſoner illoeqs eſteantz par jugement al ſuyte de partie aler hors du priſone par maynpris baill ne par baſton ſanz gree faire as ditz parties de ceo pur quoi ils y eſtoient ajugez ſi ne ſoit par brief ou autre mandement du Roi ſur peyne de perdre ſon office & la garde de dite priſone. Et enoutre ſi nul tiel gardein ſoit deſore atteint par du proces qil avera ſoeffert ou leſſetz tiel priſon aler a large encontre ceſt ordeinance adonqes y eient les pleintifs lour recoverer vers meſmes les gardeins par brief de dette. Et auxint eſt ordeine qe ſi nully a ſuyte du partie ajugez a autre priſon pur dette treſpas ou autre querelle ſe voille conuſtre voluntrement & par feynt cauſe dettour a Roi & par tant eſtre ajugez a la dite priſone de Flete pur greynour ſuete y avoir de priſone qe aillours & iſſint delaier la partie de ſon recoverer ſoit cell reconiſſance reſceu illoeqs & ſil ne ſoit autre part dettour a Roi de recorde ſoit ſon corps tantoſt remandez a la priſone ou il eſtoit devant a y demurer tanqil avera fait gree

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partie & cell gree fait ſoit immediat remandez a Flete pur y demurer tanqil avera fait gree a Roi de la reconiſſance avantdite.

'Gree made, he ſhall be immediately ſent again to 'the *Fleet*, there to abide, till he hath made Gree 'to the King of his Recogniſance aforeſaid.'

By 7 H. 4. c. 4. no Protection allowable for a Gaoler who lets Priſoners eſcape.

CAP. XIII.

Eccleſiaſtical Judges ſhall not be vexed for Suits for Tithes in a Spiritual Court.

ITEM les prelatz & le clergie de dit Roialme ſe pleignont grandement de ce qe les gentz de ſeint egliſe purſuiantz en court Chriſtiene pur lour diſmes & autres choſes quele de droit deyvent & de aunciene ſoleient appartenere a meſme la court Chriſtiene & les Juges de ſeint egliſe coniſſantz en tiels cauſes & autres perſones ſoy'eo entremettantz ſolonc la leye ſont maliciouſment & nonduement par celle cauſe enditez enpriſonez & par ſeculer poair orriblement oppreſſez & auxint efforcez ove violence par ſermentz & grevouſes obligations & moutz dautres maners non duement compulſez a deſiſter & ceſſer outrement es choſes deſuſdites encontre les libertees & fraunchiſes de ſeint egliſe par quoy eſt aſſentuz qe touz tielx obligations faitz ou affairs par durece & violence ne ſoient jammes daſcun value. Et quant a ceux qi procurent par malice teux enditementz & deſtre meſmes des enditours apres ceo qe les enditez ent ſont aquitez eient & encourgent tieux procurours & enditours meſme la peyne qeſt contenue en leſtatut de Weſtm' ſeconde de ceux qi procurent faux appelles eſtrefaitz. Et eient les Juſtices des aſſiſes ou autres Juſtices devant queux tieux enditez ſerront aquitez poair denquerre de tieux procurours & enditours & de les punir duement cheſcun ſolonc ſon deſert.

"ITEM, The Prelates and Clergy of this Realm do greatly complain them, for that the People of holy Church, purſuing in the Spiritual Court for their Tithes, and their other Things, which of right ought, and of old Times were wont to pertain to the ſame Spiritual Court, and that the Judges of holy Church, having Cogniſance in ſuch Caſes, and other Perſons thereof meddling according to the Law, be maliciouſly and unduly for this Cauſe indicted, impriſoned, and by Secular Power horribly oppreſſed, and alſo enforced with Violence by Oaths and grievous Obligations, and many other Means unduly compelled to deſiſt and ceaſe utterly of the Things aforeſaid, againſt the Liberties and Franchiſes of holy Church." 'Wherefore it is aſſented, That all ſuch Obligations made or to be made by Dureſs or Violence, ſhall be of no Value. And as to thoſe that by Malice do procure ſuch Indictments, and to be the ſame Indictors, after the ſame Indictees be ſo acquit, ſuch Procurers ſhall have and incur the ſame Pain that is contained in the Statute of *Weſtminſter* the Second, of thoſe which procure falſe Appeals to be made. And the Juſtices of Aſſiſes, or other Juſtices, before whom ſuch Indictees ſhall be acquit, ſhall have Power to inquire of ſuch Procurers and Indictors, and duly to puniſh them according to their Deſert.'

2 Inſt. 489.

The Penalty of thoſe which do procure ſuch Indictments.

CAP. XIV.

In an Action of Goods taken away, the Defendant maketh Title for Tithes due to the Church.

ITEM eſt aſſentuz qe a quel heure qe aſcun perſone de ſeint egliſe ſoit treet en plee en court ſeculer pur ſes propres diſmes priſez par noun des biens enportez & celui qe enſi ent eſt treet en plee face exception ou allegge qe la ſubſtance & ſource de la boſoigne ſoit ſoulement ſur diſmes duez de droit & poſſeſſion de ſa egliſe ou a autre ſon benefice qe en tieu cas general averement ne ſoit jammes pris ſanz monſtrer matier eſpecial coment ceo fuiſt lay chatell.

'ITEM it is accorded, That at what Time that any Perſon of the holy Church be drawn in Plea in the Secular Court for his own Tithes taken, by the Name of Goods taken away, and he which is ſo drawn in Plea maketh an Exception, or alledgeth, that the Subſtance and Suit of the Buſineſs is only upon Tithes due of Right and of Poſſeſſion to his Church, or to another his Benefice, that in ſuch caſe the general Averment ſhall not be taken without ſhewing ſpecially how the ſame was his Lay-chattel.'

20 Ed. 4. 3. b.

CAP. XV.

The Penalty for arreſting of Prieſts during Divine Service.

ITEM pur ce qe les Prelatz ſe font pleindre qe ſibien gentz de ſeint egliſe beneficiez come autres ſont areſtuz & horſtrez ſibien des egliſes cathedrales come des autres eſgliſes & lour cimiters & tant come ils ſont alefoitz entendantz a divines ſervices & auxint en autres lieux tout ſoient ils portantz le corps noſtre Seignur Jeſu Criſt as malades & iſſint areſtuz & horſtretz ſont liez & menez en priſone encontre la fraunchiſe de ſeint egliſe ordeigne eſt qe ſi nulle miniſtre du Roi ou autre face areſter aſcun perſone de ſeint egliſe par tiel manere & ent ſoit duement convict eit la priſone & ent ſoit reint al volunte le Roi & face gree as parties iſſint

"ITEM, Becauſe that Prelates do complain themſelves, that as well beneficed People of holy Church, as other, be arreſted and drawn out as well of Cathedral Churches, as of other Churches and their Churchyards, and ſometime whiles they be intending to Divine Services, and alſo in other Places, although they be bearing the Body of our Lord Jeſus Chriſt to ſick Perſons, and ſo arreſted and drawn out, be bound and brought to Priſon againſt the Liberty of holy Church:" 'It is ordained, That if any Miniſter of the King, or other, do arreſt any Perſon of holy Church by ſuch Manner, and thereof be duly convict, he ſhall have Impriſonment, and then

50 Ed. 3. c. 5. *Enforced by* 1 Mar. ſeſſ. 2. c. 3. 2 Bul. 72. 2 Cr. 321. pl. 4.

Brownl. 301.

'be ranſomed at the King's Will, and make Gree to 'the Parties ſo arreſted; provided always, That the 'ſaid People of holy Church ſhall not hold them 'within the Churches or Sanctuaries by Fraud or Col-'luſion in any Manner. And therefore we command, 'That thou cauſe all the ſaid Statutes to be cried and 'publiſhed, and firmly kept through thy Bailiwick, 'according to the Form and Tenour thereof, and 'that do not omit in any wiſe. Given under the 'Witneſs of our Great Seal the firſt Day of *February*, 'in the firſt Year of our Reign.'

Ex Rot. in Turr. Lond.

areſtuz purveue toutfoitz qe les dites gentz de ſeint egliſe ne ſe tiegnent deinz les egliſes ou ſanctuaries par fraude ou colluſion en aſcun manere. Et pur ce vous mandons qe toutes les dites eſtatutz facez crier & publier & fermement tener parmy voſtre bailly ſelonc la forme & tenure dicelles & ce ne leſſez en áſcun manere. Don' par teſtmonance de noſtre grande ſeal a Weſtm' le [illegible] jour de Feverer lan de noſtre regne primer.

Conſimiles literæ diriguntur ſingulis vicecomitibus per Angliam ſub eadem data.

Statutes made at Glouceſter, Anno 2 Rich. II. *Stat.* 1. *and* Anno Dom. 1378.

"OUR Lord the King, at his Parliament holden "at *Glouceſter*, the *Wedneſday* next after the "Feaſt of St. *Luke*, the ſecond Year of his "Reign, amongſt other Things there aſſented and "accorded, hath made certain Statutes and Ordi-"nances, as well for the common Profit of the "Realm, as for the Maintenance of the Peace of his "ſaid Realm, in the Form following."

Ex Rot. in Turr. Lond. *m.* 24.

LE Roi a viſcont de Kent ſaluz. Savoir vous faceons qe a noſtre parlement tenuz a Glouceſtre le Meſkerdy proſchein apres le feſt de ſeint Luk darrein paſſe entre autres choſes illoeqes aſſentuz & accordez eſtoient faitz certeins eſtatutz & ordinances ſibien pur commune profit come par maintenance de la paix deins noſtre dit Roialme en la forme qenſuyt.

CAP. I.

All Merchants may buy and ſell within the Realm without Diſturbance.

9 *H.* 3. *ſtat.* 1. *c.* 30.
2 *Ed.* 3. *c.* 9.
9 Ed. 3. ſtat. 1. c. 1.
14 *Ed.* 3. *ſtat.* 2. *c.* 2.
25 Ed. 3. ſtat. 4. c. 2.

"FIRST, Becauſe that before this Time in Time "of the noble King Edward, Grandfather to "our Lord the King that now is, in his Parliaments "holden at *York* and *Weſtminſter*, and alſo in this pre-"ſent Parliament, great Complaint hath been made to "our ſaid Lord, for that in many Cities, Boroughs, "Ports of the Sea, and other Places within the Realm "of *England*, great Damages and outrageous Grie-"vances have been, and yet be done to the King, and "to all his Realm, by the Citizens, Burgeſſes, and "other People of Cities, Boroughs, and other Towns "and Places aforeſaid, which have not ſuffered, nor "yet will ſuffer, Merchants Strangers, nor other that "do bring, carry, or convey by Sea or by Land Wines, "*Avoir de pois*, Suſtenance, Victuals, or other Things "vendible, profitable, and neceſſary, as well for the "King, the Prelates, and Lords, as for all the Com-"munalty of his Land, to ſell or deliver the ſaid Wines, "Suſtenance, Victuals, nor other Things vendible, "to any other than to them of the ſame Cities, Bo-"roughs, Ports of the Sea, and other Places, to which "ſuch Wines, Suſtenance, Victuals, or other Things "vendible were and be brought, carried, and con-"veyed; and by ſo much thoſe Things have been, "and yet be ſold and ſet to the King, to his Lords, "and to all his People, by the Hands of the Citizens, "Burgeſſes, and other People Denizens, to a great "and exceſſive Dearth, over that they ſhould have "been, if the Merchants Strangers, and other which "bring ſuch Things into the Realm, might freely have "ſold them to whom they would; nor alſo would "not, nor yet will ſuffer the Merchants Strangers that "do come, or would come within the Realm, to buy "Woolls and other Merchandiſes growing within the

The Inconveniencies enſuing by reſtraining Merchants from ſelling of Victuals where they will.

PRimerement pur ce qe avant ces heures en temps le noble Roy E. aiel noſtre Seignur le Roi qore eſt en ſes parlementz tenuz a Everwyk & Weſtm' & auxint a noſtre Seignur le Roi qore eſt en ceſt preſent parliament grante pleinte ad eſte fait de ceo qe en pluſours citees burghs portz de meer & autres lieux deinz le Roialme dEngleterre grauntes damages & outrageouſes dureces eſtoient & unqore ſont faitz au Roi & a tout ſon Roialme par les citeins burgeys & autres gentz des citees burghs & dautres villes & lieux deſſuſdites qi navoient ſoeffert ne unqore ſoeffrent marchantz eſtranges nautres qi ameſnent carient ou portent par meer & par terre vyns avoir de pois vivres vitailles & autres choſes vendables neceſſairs & profitables ſibien pur le Roi les Prelatz & Seignurs come pur tout la commune de la terre vendre ou bailler les ditz vyns vivres vitailles ne les autres choſes vendables as autres qe a eux meſmes des citees burghs portz de meer & les autres lieux as queux yceux vines vitailles ou autres choſes vendables furent & ſont ameſnez cariez ou portez & par tant ſi eint eſte & ur qore ſont meſmes les choſes miſes & venduz au Roi as Seignurs & a ſon dit poeple en & par les mains des citeins burgeis & autres gentz deinzeins a trop grant & exceſſive chierte outre ce qils euſſent eſte ſi les marchantz eſtranges & autres qe fount venir tiels choſes deins le Roialme les purroient franchement avoir venduz a qi qils vouſiſſent nauxint ont volue ſoeffrer ne unqore ſoeffrent les marchantz eſtranges queux viegnent & vorroient venir deinz le Roialme pur achater des leyns & dautres marchandiſes creſſantz deinz meſme le Roialme aler converſer merchander ou demorer franchement come

Ex Rot. in Turr. Lond.

come ils ſoloient faire a grant damage de Roi des Prelatz des Seignurs & de tout le Roialme & encontre commune profit & encontre les eſtatutz & ordinances ent faitz avant ces heures en les deux parlementz avantdites noſtre Seignour le Roi conſiderant clerement la venue des marchantz eſtranges deinz le Roialme eſtre bien & profitable par moeit des cauſes a tout le Roialme avantdit del aſſent des Prelatz Ducs Countes Barons & de la commune de ſon Roialme ad ordeignez & eſtabliz qe tous merchantz aliens de quelconqes Roialmes paiis ou Seignouries qils viegnent qi ſoient del amiſtee noſtre Seignour le Roi & de ſon Roialme puiſſent deſore ſauvement & ſeurement venir deinz le Roialme dEngleterre & en qeconqes citees burghs portz de meer feires merches ou autres lieux deinz meſme le Roialme deinz franchiſes & dehors demorer oveſqe lour biens & merchandiſes qeconqes ſouz le ſaufe garde & protection noſtre Seignour le Roi tant ſi longement come lour plerra ſanz deſturbance ou contredit de perſone qeconqe. Et qe ſibien yceux marchantz aliens come denzeins qeconqes & cheſcun de eux qi achatre ou vendre voillent bledz chare peſſon & totes maneres dautres vivres & vitailles & auxint totes maneres des ſpiceries de fruit de pellure & des menues ou petites merceries come ſoy file dore & dargent coverchiefs & autres tiels petites merceries les puiſſent deſore franchement & ſanz contredit ou deſtourbance qeconqe ſibien en la Citee de Londres come en touz les autres citees burghs portz de meer feires merchees & autres lieux deinz le Roialme vendre & achatre en groos & par parcelles a qi & de qi qe lour pleſt forein & deinzin horſpris les enemys noſtre Seignour le Roi & horſpris qe toutes maneres de vins ſibien douces come autres y ſerront venduz par les ditz eſtrangers en groos par les veſſealx entiers ſicome ils ſont ameſnez deinz le Roialme & nemye a retaille par nully es dites citees burghs & autres bones villes enfranchiſez ſinon ſoulement par les enheritantz & enfranchiſes en ycelles. Et quant a tous les autres groſſes merceries come draps dore dargent de ſoye de ſendale de naparie de linge teel de canevace & dautres tielx groſſes merceries & auxint totes maneres dautres groſſes merchandiſes nient expreſſes pardeſſus qeconqes qe celles ſoient les puiſſent deſore ſibien aliens come deinzeins tant en la dite Citee de Londres come es autres citees burghs portz villes feires marchees & aillours parmy le Roialme avantdit deinz franchiſes & dehors a qeconqe perſone forein ou denizin qi achatre les vorra forſpris les enemys du Roi & de ſon Roialme franchementz & ſanz contredit qeconqe vendre en groos tantſoulement come par bale drap ou par la piece entier a lour pleiſer & noun pas a retaille ſur peine de forfaiture de ycelles merchandiſes forſqe ſoulement les citeins & burgeis en lour propres citees & burghs & autres bones villes enfranchiſes as queux & a nul autre eſtraunge merchant de lour franchiſe bien liſe & purront ils ſanz empeſchement depeſcer tailler & trencher en yceux lour propres citees & burghs les groſſes merceries & autres groſſes merchaundiſes avantdites & ſibien ycelles come vins & autres merchaundiſes quelconqes illoeqes vendre en groos & a retaill a lour pleſaunce paiantz toutes voies les cuſtumes & ſubſides duez nient contreſteantz eſtatutz ordeignaunces chartres juggementz allouances cu-

" Realm, to go, travel, and merchandiſe, or abide
" freely as they were wont to do, to the great Damage
" of the King, of the Prelates, of the Lords, and of
" all the Realm, and againſt the common Profit, and
" againſt the Statutes and Ordinances thereof made in
" Times paſt in the ſaid two Parliaments:" ' Our
' Lord the King conſidering clearly the coming of Mer-
' chants Strangers within the Realm to be very profi-
' table for many Cauſes to all the Realm, by the Aſ-
' ſent of the Prelates, Dukes, Earls, Barons, and of
' the Commons of the Realm, hath ordained and ſta-
' bliſhed, That all Merchants Aliens, of what Realms,
' Countries, or Seignories that they come, which be
' of the Amity of the King, and of his Realm, may
' from henceforth ſafely and ſurely come within the
' Realm of *England*, and in all Cities, Boroughs, Ports
' of the Sea, Fairs, Markets, or other Places within
' the Realm, within Franchiſe and without, and abide
' with their Goods and all Merchandiſes under the
' Safeguard and Protection of the King as long as ſhall
' pleaſe them, without Diſturbance or denying of any
' Perſon. And that as well thoſe Merchants Aliens
' as Denizens, and every of them, that will buy
' and ſell Corn, Fleſh, Fiſh, and all Manner of other
' Victuals and Suſtenance, and alſo all Manner of Spi-
' ceries, Fruit, Fur, and all Manner of ſmall Wares,
' as Silk, Gold Wire, or Silver Wire, Coverchiefs,
' and other ſuch ſmall Ware, may from henceforth
' freely and without denying or any Manner of Diſ-
' turbance, as well in the City of *London*, as in all Ci-
' ties, Boroughs, Ports of the Sea, Fairs, Markets,
' and other Places within the Realm, ſell and buy in
' Groſs and buy Parcels, to whom and of whom they
' pleaſe, Denizens or Foreigners, except the King's
' Enemies, and except that all Manner of Wines, as
' well ſweet as other, ſhall be ſold by the ſaid Strangers
' in Groſs, and by whole Veſſels, as they be brought
' into the Realm, and not at Retale by any in the ſaid
' Cities, Boroughs, and other Towns franchiſed, but
' only by the Inhabitants and Freemen in the ſame.
' And as to all other great Wares, as Cloth of Gold
' and Silver, Silk, Sendal, Napery, Linen Cloth,
' Canvas, and other ſuch great Wares, and alſo all
' Manner of other great Merchandiſes not above ex-
' preſſed, whatſoever they be, from henceforth as well
' Aliens as Denizens, as well in the City of *London*,
' as in other Cities, Boroughs, Ports of the Sea,
' Towns, Fairs, Markets, and elſewhere through the
' ſaid Realm, within Franchiſe and without, may ſell
' the ſame in Groſs to every Perſon Foreign or Deni-
' zen that will buy the ſame freely and without deny-
' ing (except to the King's Enemies and the Realm's)
' as well by the Bale, Cloth, or by whole Pieces at
' their Pleaſure, and not at Retale, upon Pain of Forfei-
' ture of the ſame Merchandiſes, but only the Citizens
' and Burgeſſes in their own Cities and Boroughs, and
' other good Towns franchiſed, to whom (and to
' none other ſtrange Merchant of their Franchiſe) they
' may; and it ſhall be lawful to them without Im-
' peachment, to unfold, undo, and cut in the ſame
' their proper Cities, and Boroughs, the great Mer-
' chandiſes, and other great Wares aforeſaid, and as
' well the ſame, as Wines and other Merchandiſes
' whatſoever, there to ſell in Groſs and by Retale at
' their Pleaſure, paying all the Cuſtoms and Subſidies
' due, notwithſtanding any Statutes, Ordinances,
' Charters, Judgements, Allowances, Cuſtoms, and
' Uſages made or ſuffered to the contrary; which

Merchants Strangers may buy or ſell all Things vendible within the Realm.

Altered by 16 R. 2. c. 3.

Aliens muſt ſell their Wines in Groſs, and not by Retale. Altered by 11 R. 2. c. 7.

What Commodities Merchants Aliens or Denizens may ſell in Groſs, and which by Retale, and to whom.

'Cha... and Franchiſes, if any there be, they ſhall
'be utte... repealed and adnulled, as a Thing made,
'uſed, or g... ted againſt the common Profit, or Op-
'preſſion of ... People: Saving always to Prelates
'and Lords o... e Realm wholly their Liberties and
'Franchiſes, tha... they may make their Purveyances
'and Buyings of Victuals, and of other their Ne-
'ceſſaries, as they were wont to do in old Time, and
'ſaving that the Ordinances made before this Time
'of the Staple of *Calais* be holden in their Force
'and Virtue. And it is not the King's Mind, that
'Merchants Strangers or Denizens, that will buy
'and ſell their Woolls or Woollfels, Wares, Cloths,
'Iron, and other Merchandiſes, at Fairs and Markets
'in the Country, ſhould be reſtrained or diſturbed by
'this Statute to ſell or buy freely in Groſs or at Retale,
'as they were wont to do heretofore. And if it ſo
'happen, that from henceforth Diſturbance be made
'to any Merchant Alien or Denizen, or other, upon
'the Sale of ſuch Things in City, Borough, Town,
'Port of the Sea, or other Place that hath Franchiſe,
'againſt the Form of this Ordinance; and the Mayor,
'Bailiffs, or other that have the keeping of ſuch Fran-
'chiſe, required by the ſaid Merchants, or other in
'their Name, thereof to make Remedy, do not the
'ſame, and thereof be attainted, the Franchiſe ſhall
'be ſeiſed into the King's Hand; and nevertheleſs,
'they that have done ſuch Diſturbance againſt this
'Statute, ſhall be bound to render and reſtore to the
'Plaintiff his double Damages that he hath ſuffered by
'this Occaſion. And if ſuch Diſturbance be made to
'ſuch Merchants or to other in Towns and Places
'where no Franchiſe is, and the Lord, if he be pre-
'ſent, or his Bailiff, Conſtable, or other Warden of
'the Towns and Places, in Abſence of the Lords there-
'of, required to do Right, and do not, and thereof be
'duly attainted, they ſhall yield to the Plaintiff his
'double Damages, as afore is ſaid, and the Diſturbers
'in the one Caſe and the other, as well within Fran-
'chiſes as without, if they be attainted, ſhall have one
'Year's Impriſonment, and be ranſomed at the King's
'Will. And it is ordained and eſtabliſhed, That the
'Chancellor, Treaſurer, and Juſtices aſſigned to hold
'Pleas of the King in the Places where they come,
'ſhall diligently inquire of ſuch Diſturbances and
'Grievances, and do Puniſhment according as afore is
'ordained. And nevertheleſs, the King ſhall aſſign
'by Commiſſion certain People, where and when
'ſhall pleaſe him, to inquire of ſuch Diſturbances and
'Grievances, and to puniſh the Offenders in this
'Party, as before is ſaid.'

The Penalty of them which do diſturb Merchants to buy and ſell Wares at their Pleaſures, and of chief Officers not puniſhing theſe Diſturbers.

See 12 H. 7. c. 6. concerning Merchant Adventurers.

Ex Rot. in Turr. Lond.

ſtumes & uſages faitz ou ſuffertz au contraire les queux chartres & fraunchiſes ſi nulles y ſoient ſont oultrement repellez & adnullez come choſe faite uſe ou grante encontre commune profit en oppreſſion de poeple. Salvant toutdys as Prelatz & Seignours du Roialme entierment lour libertees & fraunchiſes qils purront faire lour purvoiances & achatz des vitails & dautres lour neceſſairs come ils ſolcient faire dauncien temps & ſavant qe les ordinances faitz avant ces heures de leſtaple de Caleys ſoient tenuz en lour force & vertu. Et neſt my lentention du Roi noſtre Seignour qe les merchantz eſtraunges ou deinzeins qe vorront achatre ou vendre leyns peaux lanutz mercerie draps feer & autres merchandiſes es feirees & marchees en paijs y ſoient par ceſte eſtatut reſtreintz ou deſtourbez de vendre & achatre franchement en gros ou a retaill come ils ſoleient faire dauncientee. Et ſi enſy aviegne qe deſore deſturbaunce ſoit fait a nul merchant alien ou denzein ou autre ſur la vente des tieles choſes en citee burgh ville port de meer ou autre lieu qait fraunchiſes encontre la fourme de ceſte ordinance & les mair baillifs ou autres qe ont garde de la dite fraunchiſe requiz par les dites merchantz ou autre en lour noun de ent faire remedie & ils nel font mye & de ce ſoient atteintz ſoit la fraunchiſe pris en la main le Roi & nientmeins ſoient ceux qui vorront fait celle deſturbaunce contre ceſt eſtatut tenuz de rendre & reſtorer au pleintif ſes damages qil avera ſoeffert par celle encheſon au double. Et ſi tiele deſturbaunce ſoit fait as tieux merchauntz ou as autres es villes & lieux ou fraunchiſe neſt my & le Seignour ſil ſoit preſent ou ſon baillif conſtable ou autre gardein des dites villes & lieux en abſence des Seignours ent requiz de faire droit & nel facent & de ceo ſoient atteintz rendent les damages au pleintif au double auxi come deſſus eſt dit & le deſtourbours en lun cas & en lautre auxibien deinz fraunchiſes come dehors ſils ſoient atteintz eient la priſone dun an & ent ſoientz reintz a la volente le Roi. Et auxint eſt ordeigne & eſtabli qe le Chaunceller Treſorer & Juſtices aſſignez a tenir les plees le Roi es lieux ou ils viegnent enquergent des tiels deſtourbaunces & grevaunces & facent puniſſement ſelonc ce qe par deſſus eſt ordeigne. Et nientmiens qe le Roi face aſſigner par commiſſion certeins gentz ou & quant lui plerra denquerre de tielles deſtourbaunces & grevances & de faire puniſſement de treſpaſours en celle partie come deſſus eſt dit.

CAP. II.

A Confirmation of the Statute of 25 EDW. 3. *Stat.* 4. *cap.* 3. againſt Foreſtallers.

Altered 5 & 6 Ed. 6. c. 14.

ITEM eſt ordene & eſtabli qe leſtatut fait en temps le dit Roi laiel lan de ſon regne dEngleterre xxv. de Forſtallours des vins & vitailles merces & merchaundiſes quelconqes qe viegnent a les bones villes deinz le Roialme par terre ou par eawe ſoit tenuz & fermement gardez en toutz pointz & mys en due execution pur le commune profit du Roialme avantdit.

CAP. III.

● B. Merchants of the Weſt may buy Merchandiſes, ſo that they find Sureties to carry them to the Weſt, or to *Calais*.

In Turr. Lond.

CAP.

CAP. IV.

The Penalty of Mariners retained to ſerve the King on the Sea, which do depart without Licence.

Ex Rot. in Turr. Lond.

ITEM pur ceo qe pluſours mariners apres ce qils ſont areſtuz & retenuz pur ſervice du Roi ſur la meer en defence de Roialme & ent ont reſceuz lours gages appurtenantz ſenfuent hors du dit ſervice ſanz conge des Admiralx ou de lour lieutenantz a grant damage du Roi noſtre Seignur & du Roialme & arreriſſement de ſes viages avauntditz ordene eſt & eſtabli qe touz ceux mariners queux deſore ferront en tielle manere & cela trovez & provez veritablement devant le Admiral ou ſon lieutenant ſoient tenuz de reſtorer a noſtre Seignur le Roi le double de ce qils averont pris pur lour gages nientmeins eient la priſone dun an ſanz ent eſtre deliverez par mainpriſe baille ou par autre voie. Et le Roi voet & comande a touz viſcontz mairs & bailifs deinz franchiſes & dehors qe a la certification des ditz Admiralx ou lour lieutenantz par lours lettres ent affairs teſmoignantes la dite proove facent tantoſt ſanz attendre autre mandement de Roi noſtre Seignur prendre & attacher touz ceux mariners futifs par lour corps deinz lour baillies deinz franchiſes & dehors & les mettre en priſone illoeqes a demurer en bon & ſeure garde tanqe ils averont fait gree au Roi come deſus eſt dit & ent eient ſpecial mandement de Roi noſtre Seignur de lour deliverance. Et autiel puniſſement ſoit fait des ſergeantz darmes maiſtres des niefs & touz autres qe ſerront atteintz par enquerre devant ladmirall ou ſon lieutenant avantdit qils eient rienz pris des ditz mariners pur lour ſoefrer aler a lour large hors del ſervice avantdit apres ceo qils eient eſte areſtuz pur meſme le ſervice.

‘ ITEM, Becauſe that divers Mariners, after that they be arreſted and retained for the King’s Service upon the Sea in Defence of the Realm, and thereof have received their Wages pertaining, do flee out of the ſaid Service without Licence of the Admirals or of their Lieutenants, to the great Damage of the King and his Realm, and Hinderance of the ſaid Voyages :” ‘ it is ordained and ſtabliſhed, That all theſe Mariners, which from henceforth ſhall do in ſuch Manner, and that truly found and proved before the Admiral, or his Lieutenant, ſhall be holden to reſtore to our ſaid Sovereign Lord the King, the double of that they have taken for their Wages; and nevertheleſs ſhall have one Year’s Impriſonment, without being delivered by Mainprize, Bail, or by other Way. And the King will and commandeth to all Sheriffs, Mayors, and Bailiffs, within Franchiſes and without, That at the Certification of the ſaid Admirals, or their Lieutenants, by their Letters thereof to be made, teſtifying the ſaid Proof, ſhall incontinent, without tarrying*, make another Commandment of the King our Sovereign Lord, to take and attach all fugitive Mariners by their Body, within their Bailiwicks, within Franchiſes and without, and put them in Priſon, there to abide in good and ſure keeping, till they have made Gree to the King as afore is ſaid, and thereof have a ſpecial Commandment of our Sovereign Lord the King of their Deliverance. And like Puniſhments ſhall be made of Serjeants of Arms, Maſters of Ships, and all other, that ſhall be attainted, by Enquiry before the Admiral, or his Lieutenant aforeſaid, that they have any Thing taken of the ſaid Mariners, for to ſuffer them to go at large out of the ſaid Service, after that they have been arreſted for the ſame Service.’

Altered 18 H. 6. c. 19. and 5 El. c. 5. *And ſee Index, tit.* Seamen, and Foſter’s Cr. Law, *Oct. Ed.* 169.

* Waiting any other Commandment.

CAP. V.

The Penalty for telling ſlanderous Lyes of the Great Men of the Realm.

ITEM de controvours de faux novel & countours des horribles & fauxes menſonges des Prelatz Ducs Countes Barons & autres nobles & grantz de Roialme & auxint del Chaunceller Treſorer Clerk de prive ſeal Seneſchal del Hoſtel noſtre Seignur le Roi Juſtices del un Bank & del autre & dautres grantz officers du Roialme des choſes qe par les ditz Prelatz Seignurs & officers ne furent unqes parlez touchez ou penſez en grant eſclaundre des Prelatz Seignurs nobles & officers avantditz par ont debatz & diſcordes purroient ſourdre parentre les ditz Seignurs ou parentre les Seignurs & communes qe Dieu ne veulle & dont grant peril & meſchief purroit avenir a tout le Roialme & legerement ſubverſion & deſtruction del Roialme avantdit ſi due remede ny fuiſſe mys eſt defenduz eſtroitement & ſur grief peine pur eſchuer les damages & perils avantditz qe deſore nul ſoit ſi hardi de controver dire ou counter aſcune fauxe novelle menſonge ou autre tiel fauxe choſe des Prelatz Seignurs & les autres deſuſditz dont deſcord ou eſclaun-

“ ITEM, Of Deviſors of falſe News and of horrible and falſe Lyes, of Prelates, Dukes, Earls, Barons, and other Nobles and Great Men of the Realm, and alſo of the Chancellor, Treaſurer, Clerk of the Privy Seal, Steward of the King’s Houſe, Juſtices of the one Bench or of the other, and of other Great Officers of the Realm, of Things which by the ſaid Prelates, Lords, Nobles, and Officers aforeſaid, were never ſpoken, done, nor thought, in great Slander of the ſaid Prelates, Lords, Nobles, and Officers, whereby Debates and Diſcords might ariſe betwixt the ſaid Lords, or between the Lords and the Commons (which God forbid) and whereof great Peril and Miſchief might come to all the Realm, and quick Subverſion and Deſtruction of the ſaid Realm, if due Remedy be not provided :” ‘ It is ſtraitly defended upon grievous Pain, for to eſchew the ſaid Damages and Perils, that from henceforth none be ſo hardy to deviſe, ſpeak, or to tell any falſe News, Lyes, or other ſuch falſe Things, of Prelates, Lords, and of other aforeſaid,

12 Co. 134. 2 Inſt. 227. Vaughan 139. Palmer 565.

2 Mod. 98, 161.

3 Bulſt. 235. 1 Leon. 287. Dyer 155. 4 Co. 12. Kel. 26. Cro. El. 1.

Ex Rot. in Turr. Lond.

Cro. Car. 135. Jones 194. Raſt. 393.

aforeſaid, whereof Diſcord or any Slander might riſe within the ſame Realm; and he that doth the ſame ſhall incur and have the Pain another Time ordained thereof by the Statute of *Weſtminſter* the Firſt, which will, that he be taken and impriſoned till he have found him of whom the Word was moved.'

e aucune puiſſe ſourdre deinz meſme le Roialme qi le fra eit & encourage la paine autrefoitz ent ordenez par eſtatut de Weſtm' primer qe voet qil ſoit pris & empriſonez jeqes a tant qil eit trovez celluy dont la parole ſerra moevez.

3 Ed. 1. c. 34. *Enforced by* 12 R. 2. c. 11.

Confirmed and extended by 1 & 2 Ph. & M. c. 3. *and* 1 El. c. 6.

CAP. VI.

Rep. *by* 2 R. 2. *ſtat.* 2. c. 2. *See* 5 R. 2. *ſtat.* 1. c. 7. 17 R. 2. c. 8.

Commiſſions ſhall be awarded to arreſt Rioters and other Perſons offenſive to the Peace, and to impriſon them.

13 H. 4. c. 7. 2 H. 5. c. 8. 1 *Ed.* 6. c. 12. *and* 1 *Geo.* 1. *ſt.* 2. c. 5. *concerning Riots, &c.*

CAP. VII.

EXP.

Urban was duly choſen Pope, and ſo ought to be accepted and obeyed.

In Turr. Lond.

CAP. VIII.

Rep. 5 El. c. 4.

The Statute of 23 *Edw.* 3. and all other Statutes of Labourers, *&c.* confirmed.

Conſimiles literæ diriguntur ſingulis vicecomitibus per Angliam ſub eadem data.

Other Statutes made at Weſtminſter, Anno 2 RICH. II. *Stat.* 2. *and* Anno Dom. 1379.

Ex Rot. in Turr. Lond. *m.* 23.

" TO the Honour of GOD and of holy Church, and for the common Profit of the Realm of *England*, our Lord the King RICHARD, at his Parliament holden at *Weſtminſter* in the Fifteenth of *Eaſter*, the ſecond Year of his Reign, of the Aſſent of the Prelates, Dukes, Earls, Barons, and other Great Men, and of the Commons of this Realm ſummoned to the ſaid Parliament, hath ordained and eſtabliſhed in the ſame Parliament, for the Quietneſs of his ſaid People, the Statutes and Ordinances following, perpetually to endure in his ſaid Realm."

AL honour de Dieu & de ſeinte egliſe & pur commune profit du Roialme dEngleterre noſtre Seignur le Roi RICHARD a ſon parlement tenuz a Weſtm' en la quinſzeine de Paſqe lan de ſon regne ſecond del aſſent des Prelatz Ducs Contes Barons & dautres grantz & communes de ſon dit Roialme dEngleterre au dit parlement ſomonez ad ordenez & eſtabli en meiſme le parlement pur quiete de ſon poeple les eſtatutz & eſtabliſſementz qe ſenſuent perpetuelment adurers en ſon Roialme avantdit.

CAP. I.

A Confirmation of the Liberties of the Church.

" FIRST, That holy Church have and enjoy her Franchiſes and Liberties in all Points in as ample Manner as ſhe them had in the Time of his noble Progenitors Kings of *England*; and that the Great Charter, and the Charter of the Foreſt, and the good Laws of the Land, be firmly holden and kept, and put in due Execution.'

PRimerement qe ſeinte egliſe eit & enjoiſe ſes franchiſes & libertees en touz pointz ſi avant come ele le avoit en temps de ſes nobles progenitours Rois dEngleterre & qe la Grant Chartre & la Chartre de la Foreſte & les bones loys de la terre ſoient fermement tenuz & gardez & miſes en due execution.

CAP. II.

EXP

A Repeal of the Statute of 2 RICH. 2. *Stat.* 1. *c.* 6. touching Riots.

In Turr. Lond.

CAP. III.

OB. 21 Ja. 1. c. 28. Dyer 295. 50 Ed. 3. c. 6.

Fraudulent Deeds made by Debtors to avoid their Creditors, ſhall be void.

Enforced and amended by 3 H. 7. c. 4. *and* 13 El. c. 5.

Statutes

Statutes made at Weſtminſter, Anno 3 RICH. II. *and* Anno Dom. 1379.

Ex Rot. in Turr. Lond. *m.* 23.

LE Roi as viſcontes de Londres ſalutz. Sachez qe a noſtre darrein parlement tenuz a Weſtm' del aſſent des Seignurs & autres en dit parlement avons fait faire certeins eſtatutz & ordenances en la fourme qe ſenſuit.

"AT the Parliament holden at *Weſtminſter* the *Monday* next after the Feaſt of Saint *Hillary*, the third Year of King RICHARD the Second, of the Aſſent of the Lords and others in the ſaid Parliament, our ſaid Lord hath cauſed to be made certain Statutes and Ordinances in the Form following."

CAP. I.

A Confirmation of the Laws of the Church, and of the Laws and Statutes of the Realm.

PRimerement ordeignez eſt & eſtabliz qe ſeinte egliſe eit & enjoiſe entierment ſez franchiſes & libertees par manere qe les eit euz & enjoiez en temps des nobles progenitours noſtre Seignur le Roi deſuſdit & qe les bones leys & cuſtumes du Roialme & les eſtatutz faitz devant ceſte heure & nient repellez ſoient tenuz & fermement gardez & myſez en due execution.

'FIRST it is ordained and eſtabliſhed, That holy Church have and wholly enjoy her Franchiſes and Liberties, by the Manner as ſhe hath had and enjoyed them in the Time of the King's noble Progenitors; and that the good Laws and Cuſtoms of the Realm, and the Statutes made before this Time, and not repealed, be holden and firmly kept and put in due Execution.'

CAP. II.

The Penalty of the Aulneger that ſetteth his Seal to faulty Cloths.

In Turr. Lond.

nage Duties. 2 Ed. 3. c. 14. 23 Ed. 3. ſtat. 2. c. 1. *Enforced by* 11 H. 4. c. 6.

O B. 11 & 12 W. 3. c. 20. *takes away Aul-*

CAP. III.

None ſhall take any Benefice of an Alien, or convey Money to him.

4 Inſt. 51. ſ. 5. Enforced by 7 R. 2. c. 12. *and farther by* 16 R. 2. c. 5.

ITEM pur ce qe le Roi noſtre Seignur ad entenduz ſibien par les pleintes de ſez foialx liges & par le clamour de ſon poeple par lours diverſes petitions ent baillez avant en diverſes parlementz devant ceſte heure come autrement par la notoritee de la choſe & experience de fait coment les eſgliſes cathedralx collegialx abbeies priories & autres benefices de ſon Roialme qe furent jadis founduz & richement dowez par ſes nobles progenitours en les quelles diverſes dignities offices parſonies chanonies prebendes & autres benefices eſtoient ſolempnement & devoutement ordeinez & eſtabliz del aſſent des ditz progenitours le Roi & dautres lours nobles fondours qi donerent as paſtours de meſmes les eſgliſes abbeies priories & dautres grantz lieux avantditz ladvoueſons de meſmes les benefices al entente qe meſmes les benefices ſerroient donez as perſones honeſtes & covenables du dit Roialme pur Dieu ſervir & honurer pluis diligealment & auxint pur loſpitalitee tenir & pur enformer & enſeigner le poeple & faire les autres nobles choſes appurtenantz a la cure des almes ſelonc leſtat & qualitee des ditz benefices & enſi eſtoit faite de tout temps paſſe puis la fundation dycelle tanqe a un poie de temps paſſe qe parmy les informations inſtigations & procurement daſcuns des liges noſtre dit Seignur le Roi meſmes les benefices aient eſte donez encontre la volente des foundours as pluſours diverſes perſones dautri lange & deſtranges terres & nations & a la foitz as vrais enemys du Roi & de ſon Roialme les queux ne feſoient unqes

"ITEM, Becauſe that our Lord the King hath perceived, as well by the Complaints of his faithful liege People, and by their Clamour by divers Petitions thereof delivered in divers Parliaments before this Time, as otherwiſe by the perfect Knowledge and Experience of the Deed, how the Churches, Cathedral and Collegial, Abbeys and Priories and other Benefices of his Realm, which were late founden, and richly endowed by his noble Progenitors, in which divers Dignities, Offices, Perſonages, Chanonries, Prebends, and other Benefices, were ſolemnly and devoutly ordained and eſtabliſhed of the Aſſent of the foreſaid Progenitors of the King, and of other their noble Founders, which did give to the ſaid Paſtors of the ſame Churches, Abbeys, Priories, and of other great Places, the Advowſons of the ſame Benefices, to the Intent that the ſame Benefices ſhould be given to honeſt and meet Perſons of the Realm, to ſerve and honour God diligently, and alſo to keep Hoſpitality, and to inform and teach the People, and to do other worthy Things pertaining to the Cure of Souls, after the Eſtate and Quality of the ſaid Benefices: And ſo was it done in all Times paſt after the Foundation of the ſame, till now of late, that by the Informations, Inſtigations and Procurements of ſome of the King's liege People, the ſame Benefices have been given, againſt the Will of the Founders, to divers People of another Language, and of ſtrange Lands and Nations, and ſometime to the utter Enemies of the King and of his Realm, which never made Reſi-

The Cauſes why Advowſons of Benefices were given to Spiritual Perſons.

The Inconveniencies which have enſued by giving of Benefices to Aliens.

" dence

"dence in the ſame, nor cannot, may not, nor will "not in ſuch wiſe bear and perform the Charges of the "ſame Benefices, as in hearing Confeſſions, Preach- "ing, nor Teaching the People, keeping Hoſpitality, "nor accompliſhing the other Things neceſſary to the "Governance of the ſame Benefices, but only thereof "have and take the Emoluments and Temporal Pro- "fits, not having Regard to the Spiritual Cure, nor "to other Charges to the ſame Benefices pertaining or "belonging, but manifeſtly ſuffer the noble Buildings "in old Times there made, when the ſame Benefices "were occupied by *Engliſhmen*, wholly to fall to De- "cay, whereby the Divine Service is greatly miniſh- "ed, the Cure of Souls neglected and left, the Clergy "enfeebled, the Treaſure of the ſaid Realm carried "to the Hands of Aliens, and all the Eſtate of holy "Church brought to leſs Reverence than before it "was wont to be: And though that in the Time
25 Ed. 3. ſtat. 6. "of the ſaid Grandfather, certain Ordinances, Sta- "tutes, and Compoſitions were made and affirmed, "wholly to put out, or at leaſt to reſtrain the ſaid "Miſchiefs in this Behalf; nevertheleſs the ſaid A- "liens, not having Regard to the ſame, do not refrain "to take and receive ſuch Benefices within the ſaid "Realm, but by the Comfort, Aid, and great Succour "which they have had of the King's liege People, "that be their Fermors, Procurators, and Attornies "in this Behalf and in every Part of the ſaid Realm, do "enforce themſelves from Day to Day more and more "to accept the greateſt Dignities and Benefices with- "in the ſaid Realm, and by divers cautelous Man- "ners, much prejudicial to the ſame Realm if that "was ſuffered, whereby the ſaid Miſchiefs do daily "increaſe, and much more will increaſe, if due Re- "medy be not the ſooner provided."

None ſhall take in Ferm any Benefices of the Church of an Alien without the King's Licence.

'II. Our Lord the King, by the Advice and com- 'mon Aſſent of all the Lords Temporal being in this 'Parliament, hath ordained and eſtabliſhed, That 'none of the King's liege People, nor other Perſon, of 'whatſoever Eſtate or Condition that he be, ſhall not 'take nor receive within the ſame Realm of *England*, 'Procuracy, Letter of Attorney, nor Ferm, nor other 'Adminiſtration by Indenture, nor in any other Man- 'ner whatſoever, of any Perſon of the World, of any 'Benefice within the ſaid Realm, but only of the 'King's liege People of the ſame Realm, without the 'ſpecial Grace and expreſs Licence of our Lord the 'King, by the Advice of his Council. And if any 'before this Time have accepted of any Aliens ſuch 'Procuracies, Ferms, or Adminiſtration, that they 'ſhall utterly leave them within Forty Days after Pub- 'lication of this Ordinance. And that none of the

None ſhall convey Money out of the Realm for ſuch Ferm.

'ſaid liege People, nor other that may be found in the 'ſaid Realm, ſhall convey by virtue of ſuch Procura- 'cy, Ferm, or Adminiſtration, Gold, Silver, nor other 'Treaſure nor Commodity out of the ſaid Realm, by 'Letter of Exchange, by Merchandiſe, nor in other 'Manner, to the Profit of the ſaid Aliens, without 'like Licence of the King by the Advice of his ſaid 'Council; and if any do the contrary in any Point 'contained in this Ordinance, he ſhall incur the Pain

St. an. 27 Ed. 3. de Proviſoribus.

'and Puniſhment contained in the Statute of Proviſors, 'made in the Time of the King's Grandfather, the Se- 'ven and twentieth Year of his Reign, by the ſame 'Proceſs compriſed in the ſaid Statute, and by 'Warning to be made to them in their Benefices, or 'other their Poſſeſſions within the Realm; and if

Ex Rot. in Turr. Lond.

reſidence en ycelles ne ne ſcievent ne poient ne veullient nullement porter ne faire les charges des- ditz benefices come en oier les confeſſions preſcher ne enſeigner le poeple hoſpitalitee tenir ne accom- plir les autres choſes neceſſaires au governement de meſmes les benefices Mais ſoulement ent querent & preignent les emolumentz & temporeles profitz nient eiantz regard a la cure eſpiritele ne as autres charges de meſmes les benefices appurtenantz ou incumbentz einz ſoeffrent notoirement les nobles edifices auncienement fait illoeqes quant meſmes les benefices eſtoient occupiez par les Engleis de tout cheier a ruyne par ont le divin ſervice eſt treſ- grantement diminue la cure des almes negligee & leſſe & le clerge enfeblez le treſor du dit Roialme emportez as mains des aliens & tout leſtate de ſeinte egliſe meſnez a meindre reverence qe devant ne ſoleit eſtre & coment qe en temps le dit Aiel cer- teins ordinances eſtatutz & compoſitions y feuſſent faitz & affermez pur ouſter de tout ou a meins pur reſtreindre les ditz meſchiefs en partie Nientmeins les dits aliens nient eiantz regard a cella ne ſe ab- ſtiegnent mye de prendre & receivre tieux benefi- ces deinz le dit Roialme einz par my le confort eide & grant ſocour qils ont des ligcs noſtre dit Seignur le Roi qi ſont lour fermers procuratours & attornes en ycelle partie en cheſcun partie del dit Roialme ſafforcent de jour en autre pluis & pluis de accepter & avoir les greindres dignites & bene- fices deinz le Roialme avantdite & par diverſe ma- nere molt prejudiciele a meſme le Roialme ſi ceo fuiſt ſoefferte paront les ditz meſchiefs encreſcent de jour en autre moltz outrageouſment & pluis en- creſceront ſi due remede ne ſoit purveuz les pluis en haſte.

Noſtre Seignur le Roi par ladvis & commune aſ- ſent de touz les Seignurs temporels eſteantz en ce parlement ad ordeinez & eſtabliz qe nul homme des liges le Roi nautre perſone quelconqe de quel eſtat ou condition qil ſoit ne preigne ne receive deinz le Roialme dEngleterre procuracie lettre dat- tourne ne ferme nautre adminiſtration par enden- ture ne en autre manere quelconqe de nul perſone du monde daſcun benefice deinz le dit Roialme forſqe tantſoulement des liges de noſtre Seignur le Roi de meſme le Roialme ſanz eſpecial & expreſſe congie de noſtre dit Seignur le Roi par ladvis de ſon conſeil. Et ſi aſcuns devant ceſt heure eient acceptez daſcuns aliens tielx procuracies fermes ou adminiſtration qils les leſſent oultrement deinz xl. jours apres la publication de ceſte ordinance. Et qe nul des ditz liges nautre qe purra eſtre tro- vez en dit Roialme nenvoie par vertue de tiele pro- curacie ferme ou adminiſtration ore argent nautre treſor ne commodite hors du dit Roialme par let- tere deſchange par merchandie nen autre manere quelconqe au profit des ditz aliens ſanz ſemblable congie du Roi par ladvis de ſon dit conſeil. E ſi aſcun face le contraire en aſcun point contenuz en ceſt ordinance encourge la peine & puniſſement contenuz en leſtatut des proviſours fait en temps le dit aiel lan de ſon regne xxvii^me^ par meſme le pro- ces compris en dit eſtatut & par garniſſement affaire a eux en lours benefices ou autres lours poſſeſſions deinz le Roialme & ſils ſoient pardehors le dit Roi-

alme

Ex Rot in Turr. Lond.

alme & naient benefices ne poſſeſſions deinz meſme le Roialme ou ils purront eſtre garniz adonqes ſoit brief fait en la Chancellarie fondez ſur ceſte ordinance as viſcontz de Londres ou al viſcont del conteé en quel ils furont ou ſerront neez a la ſuite le Roi retournable en lun Bank ou en lautre par quel brief ſoit comande proclamation eſtre fait overtement qils ſoient devant les Juſtices en le Bank ou le brief eſt retournable a certein jour compris en meſme le brief contenant leſpace de demy an pur reſpondre ſur les matires compris en le dit brief & cel brief retournez delors procedent les Juſtices envers eux ſelonc la fourme deſus ordeine. Et eſt defenduz depar le Roi en dit parlement del aſſent avantdit qe nul Eveſqe nautre perſone de ſeinte egliſe par my le Roialme ne ſe medle par voie de ſequeſtration nen autre manere quelconqe des frutz de tieux benefices donez ou adoners as ditz aliens au profit de meſmes les aliens ſur le peril qappent. Et pur ce vous mandons qe les ditz eſtatutz facez duement proclamer & publier es lieux notables deinz veſtre baillie & les fermement tenir & garder ſelonc a la fourme dicelles. Don' par teſmoignance de noſtre grant ſeal a Weſtm' le xii. jour de Marz lan de noſtre regne tierce.

‘ they be out of the ſaid Realm, and not beneficed, not ‘ having Poſſeſſion within the ſame Realm where they ‘ may be warned, then a Writ ſhall be made in the ‘ Chancery grounded upon this Ordinance to the She- ‘ riff of *London*, or to the Sheriff of the County in ‘ which they were or ſhall be born, at the King's Suit, ‘ returnable in the one Bench or the other; by which ‘ Writ it ſhall be commanded, that Proclamation be ‘ made openly, that they appear before the Juſtices in ‘ the Bench where the Writ is returnable at a certain ‘ Day compriſed in the ſame Writ, containing the ‘ Space of half a Year, to anſwer upon the Matters ‘ compriſed in the ſaid Writ; and after this Writ ‘ returned, the Juſtices ſhall proceed againſt them ac- ‘ cording to the Form above ordained. And it is ‘ forbidden by the King in the ſame Parliament, by the ‘ Aſſent aforeſaid, That no Biſhop, nor other Perſon ‘ of holy Church through the Realm, ſhall meddle by ‘ Way of Sequeſtration, nor in any other Manner, ‘ with the Fruits of ſuch Benefices given or to be given ‘ to the ſaid Aliens, to the Profit of the ſame Aliens, ‘ upon the Peril that belongeth. Dated, *&c.*

It is ſaid in the Old Abridgement, *that the Lords Spiritual did not aſſent to this Statute.*

Proceſs awarded againſt Offenders that are out of the Realm.

None ſhall meddle by Sequeſtration, nor in other Manner, with a Benefice given to an Alien.

Confirmed by 1 H. 5. c. 7.

Statutes made at Northampton, Anno 4 RICH. II. *and* Anno Dom. 1380.

CAP. I.

All Veſſels of Wine, Honey, and Oil brought into this Realm ſhall be gauged.

Ex Rot. in Turr. Lond. *m.* 22.

LE Roi a viſcont de Kent ſaluz. Suppliez nous eſt par la communalte de noſtre Roialme dEngleterre par lour petition a nous baillie a noſtre preſent parlement tenuz a Northampton contenant coment pluſours vins de diverſes maneres ſont ſovent ameſnez deinz la terre queux paſſent ſovent ſanz gauge par cauſe qe les eſtatutz ſur ce faitz en temps de noſtre aiell qi Dieux aſſoille ne font mie expreſſe mention de touz maneres vins & des autres licours a grantz damages des Seignurs & communes de meſme le Roialme qi ſovent ſont deceuz en lour achatz a cauſe qils ne poent ſanz gauge avoir droité coniſance combien les veſſeulx contiegnent qe plerroit pur profit de nous & de noſtre Roialme pluis overtement declarer meſmes leſtatutz en tiell manere qe touz maneres des vins & autres licours gaugeables ameſnez deinz le Roialme ſoient compriſes en meſmes les eſtatutz Nous endentantz la dite ſupplication eſtre profitable pur nous les Seignurs & communes de meſme le Roialme volons & grantons de laſſent des Prelatz & Seignurs avauntditz qe leſtatutz ſur ce faitz come dit eſt ſoient tenuz & gardez & myſes en due execution. Et enoultre declarons & de laſſent avauntdit volons & grantons qe ſibien toutz maneres veſſelx des vins douces Ryneys & dautres vins quelconqes come autres veſſeulx de vinigre oille meel & de touz autres licours gaugeables qe deſore ven-

“ RICHARD *by the Grace of God, &c. to the Sheriff of* Nottingham, *Greeting.* The Commons of our Realm of *England* have “ prayed us by their Petition delivered to us at our preſent Parliament holden at *Northampton*, containing “ how many Wines of divers Manners oftentimes “ brought within the Land, which do often paſs without gauging, becauſe that the Statutes thereupon “ made in the Time of our Grandfather (whom God aſſoil) do not make expreſs Mention of all Manner “ of Wines, and of other Liquors, to the great Damage of the Lords and Commons of the ſame Realm, “ which be oftentimes deceived in their buying, becauſe they cannot without Gauge have rightful “ Knowledge how much the ſame Veſſel will contain, “ That it may pleaſe us, for the Profit of us and our “ Realm more plainly to declare the ſame Statutes, in “ ſuch Manner, that all Manner of Wines, and other “ Liquors gaugeable brought within this Realm, may “ be compriſed in the ſame Statutes:” ‘ We conſider- ‘ ing the ſaid Supplication to be profitable for us, the ‘ Lords and Commons of the ſame Realm, will and ‘ grant by the Aſſent of the Prelates and Lords afore- ‘ ſaid, that the Statutes thereupon made (as is ſaid), ‘ be holden, kept, and put in due Execution. And ‘ moreover we declare, and of the Aſſent aforeſaid will ‘ and grant, that as well all Manner of Veſſels of ſweet ‘ Wines, of the *Rhine*, and of other Wines, as other ‘ Veſſels of Vinegar, Oil, Honey, and all other Li-

27 *Ed.* 3. *ſtat.* 1. *c.* 8. 31 *Ed.* 3. *ſtat.* 1. *c.* 5.

'quors gaugeable, which from henceforth ſhall come 'within this Realm of *England*, or within our Lands of '*Wales* and *Ireland*, ſhall be well and lawfully gauged 'by our Gaugers thereto aſſigned, or their Deputies. 'And if any ſet Debate and Diſturbance, and will 'not ſuffer the Wines or other Liquors aforeſaid to 'be gauged, he ſhall incur the Pain ordained by the 'ſaid other Statutes. And in the ſame Manner the 'Gaugers ſhall incur the Pain compriſed in the ſame 'Statutes, if Default be from henceforth found in 'them, or in their Deputies in this Behalf.'

Enforced by 18 H. 6. c. 17. 1 R. 3. c. 13. 28 H. 8. c. 14.

Ex Rot. in Turr. Lond.

dront deinz le Roialme dEngleterre ou deinz noz terres dIrlande & Gales ſoient bien & loialment gaugies par nous gaugeours a ce aſſignez ou lours deputez. Et ſi aſcun mette debatte ou deſtourbance & ne voile ſoffrer ſes vins ou autres licours ſuſditz eſtre gaugiez encourge la peine ordeigne par les ditz autres eſtatutz. Et en meſme la manere encourgent les ditz gaugeours la peine compris en meſmes les eſtatuz ſi defaut ſoit defore trovez en eux ou lour deputez en celle partie.

CAP. II.

EXP. The King's Pardon of Eſcapes and Felons, and Clerks convict.

In Turr. Lond.

Conſimilia brevia diriguntur ſingulis vicecomitibus per Angliam mutatis mutandis ſub eadem data.

Statutes made at Weſtminſter, Anno 5 Rich. II. *Stat.* 1. *and* Anno Dom. 1381.

"RICHARD by the Grace, &c. to the Sheriff "of *Nottingham* Greeting, Know thou, That "to the Reverence of God and of holy "Church, and to nouriſh Peace, Unity, and Quiet- "neſs of good Accord, in all Parts of our Realm "of *England*, and eſpecially for the good Governance "of the ſame Realm (which we do chiefly deſire) of "the Aſſent of the Prelates, Lords, and Commons aſ- "ſembled at our Parliament holden at *Weſtminſter* the "Morrow after *All Souls* laſt paſt, we have cauſed to "be made certain Ordinances and Eſtabliſhments, as "well for the Amendment of the ſaid Governance, "as for the common Profit of the Realm, in the Form "following."

Ex Rot. in Turr. Lond. *m.* 22.

RICHARD par la grace de Dieu Roi dEngleterre & de France & Seignur dIrlande a noſtre viſcont de Kent ſaluz. Sachez qe a la reverence de Dieux & de ſeinte eſgliſe & pur nurrir paix unitee quiete & bone acord touz partz deinz noſtre Roialme dEngleterre & par eſpecial pur le bon governement de meſme le Roialme le quel nous deſirons ſovereinement de laſſent des Prelatz Seignurs & communes aſſemblez a noſtre parlement tenuz a Weſtm' leindemain des almes darrein paſſez avons fait faire certaines ordenances & eſtabliſſementz ſibien pur amendement de dit governaill come pur le commune profit du Roialme en la forme qe ſenſuyt.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes made and not repealed.

'FIRST it is aſſented and accorded, That holy 'Church have and enjoy all her Liberties and 'Franchiſes wholly. And that the Great Charter 'and the Charter of the Foreſt, and all other good 'Statutes and Ordinances made before this Time, and 'not repealed, and eſpecially the Statutes of Purveyors 'late made in the Time of the noble King Edward 'our Grandfather, be holden, kept, and put in due 'Execution after the Form and Effect of the ſame.'

PRimerement eſt aſſentuz & accordez qe ſeinte eſgliſe eit & enjoiſe toutes ſes libertees & franchiſes entierement. Et qe la Grand Chartre & la Chartre de la Foreſte & touz les autres bones eſtatutz & ordinances faitz avant ces heures & nient repellez & par eſpecial leſtatutz des purveours nadgairs faitz en temps du noble Roi E. aiel noſtre Seignur le Roi qoreſt qi Dieux aſſoill ſoient tenuz gardez & miſes en due execution ſelonc la forme & leffect dicell.

CAP. II.

None ſhall tranſport Gold or Silver, nor depart out of the Realm, without Licence.

9 Ed. 3. ſtat. 2. c. 1. 38 *Ed.* 3. *ſtat.* 1. *c.* 2.

"ITEM, For the great Miſchief which the Realm "ſuffereth, and long hath done, for that Gold and "Silver, as well in Money, Veſſel, Plate, and Jewels, "as otherwiſe by Exchanges made in divers Manners, "is carried out of the Realm, ſo that in Effect there "is none thereof left, which Thing if it ſhould longer "be ſuffered, would ſhortly be the Deſtruction of the

ITEM pur le grevouſe meſchief qe le Roialme ſoeffre & longement ad fait de ce qe or & argent ſibien en monoie veſſell plate & joialx come autrement par eſchaunges faitz en diverſe manere eſt emportez hors de meſme le Roialme iſſint qapeine ent neſt ores en effect rienz remys quele choſe ſi plus longement ſuſſe ſoeffert cherroit legierement en deſtruction

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deſtruction dicell Roialme qe Dieux ne veulle eſt aſſentuz & accordez & le Roi deſende a toutes maneres des gentz marchantz clercs & autres ſibien eſtraunges come denſzeins de quelconqe eſtat ou condition qils ſoient ſur paine de qanqe ils purront forfaire qe nully de eux ſur la dite paine en prive ne en appert envoie nameiſne ou face envoier ou ameiſner hors de Roialme avantdit or ou argent aucun en monoie bullion plate veſſel ne par eſchaunges affaires ne en autre manere quelconqe exceptes les gages de Caleys & dautres fortreſſes du Roi depar dela & exceptes par eſpecial les prelatz Seignurs & autres de meſme le Roialme a les queux coviendra aucunes foitz neceſſairement faire paiementz depar dela qe de celles paiementz tantſoulement purront ils faire eſchaunge en Engleterre par bons & ſuffiſantz marchantz pur paier depar dela eue primerement ſur ce eſpeciale congie & licence de noſtre Seignur le Roi ſibien pur leſchaungeours come pur la perſone qi devra faire la paiement contiegnante la ſomme en expres qe ſerra iſſint eſchaungez. Et eſt aſſentuz qe les marchantz qi enſi ferront les ditz eſchaunges ſoient diligeaument examinez & jurez en lours propres perſones a tantz des foitz come ils averont la dite licence qils nenvoieront depar dela aucune manere dor ne dargent ſouz colour de meſme leſchaunge. Et ſi apres la proclamation de ceſte ordinance aucune perſone ſoit deſore duement atteint qil avera fait envoier ou emportez depar dela or ou argent aucun encontre ceſtes defens & ordinance forface devers le Roi meſme la ſomme iſſint emportez ou envoiez. Et le Roi noſtre Seignur de ſa roiale majeſtee defende la paſſage oultrement a toutes maneres des gentz ſibien clercs come autres en cheſcun port & autre ville & lieu ſur la couſte del meer ſur paine de forfaiture de toutz lours biens horſpris tantſoulement a les Seignurs & autres grantz perſones de Roialme & verrois & notables marchantz & les ſoldeours le Roi. Et quelconqe perſone autre qe deſſuz ne ſont exceptz apres la publication de ceſte ordinance faite paſſe hors del dit Roialme ſanz eſpecial congie le Roi quele licence le Roy voet & comande qe ne ſoit fait deſore ſinoun tantſoulement en un des portz deſſoutz eſcriptz ceſtaſſavoir Londres Sandewiz Dovorr Southampton Plymmuth Dertemuth Briſtuit Jernemuth Seint Bothulph Kyngeſton ſur Hull Noef Chaſtell ſur Tone & les autres portz & paſſages vers Irlande & les Iſles appertenantz al Roialme dEngleterre forface devers le Roi qanqe il ad en biens cõme deſſus eſt dit & jademeins le maiſtre ou mariner de la nief ou dautre veſſel en quele il avera ameſnez depar dela aucuns perſone forſqe ceux ſoulement qe pardeſſus ſont exceptz ſanz la dite licence dont il ſoit convict duement forface devers le Roi le dit veſſel. Et ſi comande le Roi as touz gardeins & ſerchours de les portz & paſſages parmy Engleterre qils uſent deſore diligeaument lours offices & facent bone ſerche & eſtroit. Et ſi nully ſercheour ou gardein des portz & paſſages parmy le dit Roialme par negligence ou en autre manere face ou ſoeffre ſeintement eſtre fait en aucun point le contraire de les ditz deux articles touchantz la monoie or ou argent & le dit paſſage des gentz & de ce il ſoit convict duement forface devers le Roy ſon dit office & toutz ſes biens aveſqe & ſoit ſon corps commis a la priſone a y de-

« ſame Realm, which God prohibit;" ‘ it is aſ-
‘ ſented, and accorded, and the King enjoineth all
‘ Manner of People, Merchants, Clerks, and other,
‘ as well Strangers as Denizens, of what Eſtate or
‘ Condition they be, upon Pain of as much as they
‘ may forfeit, that none of them upon the ſaid Pain
‘ privily nor openly ſend nor carry, nor cauſe to be ſent
‘ or carried out of the ſaid Realm, any Gold or Silver
‘ in Money, Bullion, Plate, or Veſſel, neither by Ex-
‘ changes to be made, nor in other Manner, but the
‘ Wages of *Calais*, and of other the King's Fortreſſes
‘ beyond the Sea, and eſpecially excepted the Prelates,
‘ Lords, and other of the ſame Realm, to whom ſome-
‘ times it behoveth neceſſarily to make Payments be-
‘ yond the Sea, that of the ſame Payments only they
‘ make Exchanges in *England*, by good and ſufficient
‘ Merchants to pay beyond the Sea, and firſt ſpe-
‘ cial Leave and Licence had of the King, as well for
‘ the Exchangers as for the Perſon which ought to
‘ make the Payments, containing expreſly the Sum
‘ which ſhall be ſo exchanged. And it is aſſented,
‘ That the Merchants that ſo ſhall make Exchanges,
‘ ſhall be diligently examined and ſworn in their pro-
‘ per Perſons, as often as they ſhall have the ſaid Li-
‘ cence, that they ſhall not ſend beyond the Sea any
‘ Manner of Gold nor Silver under the Colour of the
‘ ſame Exchange. And if after Proclamation of
‘ this Ordinance any Perſon be from henceforth duly
‘ attainted, that he hath cauſed to be ſent or carried
‘ beyond the Sea any Gold or Silver againſt this Re-
‘ ſtraint and Ordinance, he ſhall forfeit to the King
‘ the ſame Sum ſo carried or ſent. And the King
‘ our Lord of his Royal Majeſty defendeth the Paſſage
‘ utterly of all Manner of People, as well Clerks as
‘ other, in every Port and other Town and Place upon
‘ the Coaſt of the Sea, upon Pain of Forfeiture of all
‘ their Goods, except only the Lords and other Great
‘ Men of the Realm, and true and notable Merchants,
‘ and the King's Soldiers. And every Perſon, other
‘ than is before excepted, which after Publication of
‘ this Ordinance made, ſhall paſs out of the ſaid
‘ Realm without the King's ſpecial Licence (wh ch
‘ Licence the King willeth and commandeth that it be
‘ not from henceforth made, but only in one of the
‘ Ports underwritten, that is to ſay, *London*, *Sand-*
‘ *wich*, *Dover*, *Southampton*, *Plimouth*, *Dertmouth*, *Bri-*
‘ *ſtow*, *Yarmouth*, *St. Botolph*, *Kingſton* upon *Hull*,
‘ *Newcaſtle* upon *Tine*, and the other Ports and Paſ-
‘ ſages towards *Ireland*, and the Iſles pertaining to the
‘ Realm of *England*) ſhall forfeit to the King as much
‘ as he hath in Goods, as above is ſaid; and ne-
‘ vertheleſs, the Maſter or Mariner of the Ship, or of
‘ other Veſſel, in which he ſhall carry over beyond the
‘ Sea any Perſon but ſuch only as be before excepted,
‘ without the ſaid Licence, and thereof be convict
‘ duly, ſhall forfeit the ſaid Veſſel to the King. And
‘ the King commandeth all Wardens and Searchers
‘ of the Ports and Paſſages through *England*, that
‘ they ſhall from henceforth diligently uſe their Office,
‘ and make good and ſtrait Search. And if any
‘ Searchers or Wardens of the Ports and Paſſages
‘ through the ſaid Realm, by Negligence or in other
‘ Manner do or ſuffer wittingly to be done in any
‘ Point the contrary of the ſaid two Articles touching
‘ the Money of Gold or Silver, and the ſaid Paſſages
‘ of People, and thereof be duly convict, he ſhall for-
‘ feit to the King his ſaid Office and all his Goods, and

In what Caſes and for what Cauſes Gold or Silver may be tranſported. *Enforced by* 2 *H.* 4. *c.* 5. *and* 2 *H.* 6. *c.* 6. *But ſee farther Index, tit.* Gold and Silver. Dyer 128, 165, 176, 296.

None ſhall depart without the King's Licence. Repealed by 4 Jac. 1. c. 1. ſ. 22. as to the Reſtraint of the Perſons going beyond Sea.

The Penalty of the Maſter or Mariner of the Ship offending.

The Penalty of Searchers or Wardens of Ports offending.

Ex. Rot. in Turr. Lond.

'his Body ſhall be committed to Priſon, there to abide an whole Year without Redemption. And thereupon whoſoever eſpieth, and proveth duly, that any Thing be done againſt the Intent of the ſaid two laſt Articles, whereby the ſaid Forfeiture ought to fall upon any Perſon, he ſhall have half of the ſame Forfeiture for his Labour of the King's Gift.'

morer par un an entier ſanz redemption. Et ſur ce qelconqe perſone qi eſpiera & provera duement qe rienz ſoit fait contre lentention des ditz deux derrains articles par ont la dite forfaiture devra eſchere daucune perſone eit il la moitee dicell forfaiture pur ſon travaill del doun le Roi.

CAP. III.

Repealed by 1 El. c. 13. 5 Eliz. c. 5. 13 *Eliz. c.* 15.

None of the King's Subjects ſhall carry forth nor bring any Merchandiſes, but only in Ships of the King's Allegiance.

CAP. IV.

The ſeveral Prices of ſeveral Sorts of Wines to be ſold in Groſs or by Retale, and the Forfeiture of thoſe which do ſell them dearer.

Rep. 6 R. 2. c. 7.

7 R. 2. c. 11. See 28 H. 8. c. 14. *giving Power to King's great Officers to ſet the Prices of Wines.*

CAP. V.

Rep. 6 R. 2. c. 7.

Sweet Wines and Claret not to be ſold by Retale in *England* after the Feaſt of the Nativity of St. *John.*

CAP. VI.

EXP.

The King's Pardon to thoſe that repreſſed or took Revenge of his Rebels.

CAP. VII.

Rep. 1 Ed. 6. c. 12. See 1 Geo. 1. *ſtat.* 2. c. 5. Littlet. ſ. 43. Keilw. 2.

Manumiſſions, Releaſes, and other Bands made in the laſt Tumult by Compulſion, ſhall be void. It ſhall be Treaſon to begin a Riot, Rout, or Rumour.

CAP. VIII.

The Penalty where any doth enter into Lands where it is not lawful, or with Force.

Godbolt 145. pl. 180. Carthew 497. Regiſt. 182. *Enforced and amended by* 15 R. 2. c. 2. 4 H. 4. c. 8. 8 H. 6. c. 9. *which is* explained *by* 31 Eliz. c. 11.

'AND alſo the King defendeth, That none from henceforth make any Entry into any Lands and Tenements, but in Caſe where Entry is given by the Law; and in ſuch Caſe not with ſtrong Hand, nor with Multitude of People, but only in peaceable and eaſy Manner. And if any Man from henceforth do to the contrary, and thereof be duly convict, he ſhall be puniſhed by Impriſonment of his Body, and thereof ranſomed at the King's Will.'

ET auxint le Roi defende qe nully deſore face entree en aucunes terres & tenementz ſinoun en cas ou entree eſt done par la loy & en cell cas nemye a forte main ne a multitude des gentz einz tantſoulement en liſible & aiſee manere. Et ſi nully deſore face a contraire & ent ſoit convict duement ſoit puniz par empriſonement de ſon corps & diloeqes reint a la voluntee le Roi.

10 H. 7. f. 27. 11 H. 7. f. 15. *See farther* 23 *H.* 8. *c.* 14. 21 Jac. 1. c. 15. *whereby Juſtices are enabled to give Reſtitution in certain Caſes.*

CAP. IX.

Enforced by 6 R. 2. *ſtat.* 1. c. 4.

A Remedy for them whoſe Writings were deſtroyed in the late Inſurrection.

CAP. X.

Every Perſon that is impeached in the Exchequer, may plead in his own Diſcharge.

"ITEM, Becauſe that grievous Complaint hath oftentimes been made of the Officers of the Exchequer, for that the Heirs, Executors, Occupiers of Goods, and Land Tenants of divers Perſons which have been impeached in the ſaid Exchequer, of Debts, Accompts, and other Demands, and which although they have offered them there to ſhew, or plead for their Diſcharge of thoſe Impeachments according to the Law, they have not been always thereunto received heretofore, without having expreſs Commandment by Writ, or Letter of the Great or Privy Seal, to the great Diſquietneſs, Miſchief, and Delay of the ſaid Perſons impeached, and no Advantage to the King;" 'it is ordained and aſſented, That the Barons of the ſaid Exchequer

ITEM pur ce qe grevouſe pleinte ad eſte ſovent fait des officers de Leſcheqier de ce qe les heirs executours occupiours des biens & terre tenantz de diverſes perſones qont eſte empeſchez en dit eſcheqier des dettes accompts & dautres demandes & les queux combien qils ſe ont offertz illoeqes a monſtrer ou pleder pur lours deſcharges de ceux empeſchementz ſelonc la loy toutes voies ils nont mye eſte a ce reſceuz devant ces heures ſanz avoir expreſs comandement par brief ou lettre de grant ou prive ſeal a grant diſaiſe meſchief & delay des ditz empeſchez & null avantage au Roi Si eſt ordenez & aſſentuz qe les Barons del dit eſcheqier aint deſore

plein

Ex Rot. in Turr. Lond.

plein poair doier cheſcuny reſponſe de quelconqe demande fait en meſme leſcheqier iſſint qe cheſcune perſone qe y ſoit empeſchez ou empeſcheable de quelconqe cauſe par lui meſmes ou par autre perſone ſoit deſore reſceuz en dit eſcheqier a pleder ſuer & avoir ſon deſcharge reſonable en cell part ſanz attendre ou ſuer brief lettre ou autre mandement quelconqe.

'ſhall from henceforth have full Power to hear every 'Anſwer of every Demand made in the ſame Exche-'quer, ſo that every Perſon that is impeached or im-'peachable of any Cauſe by himſelf, or by any Per-'ſon, ſhall be from henceforth received in the ſame 'Exchequer to plead, ſue, and have his reaſonable 'Diſcharge in this Behalf, without tarrying or ſuing 4 Inſt. 110. 'any Writ, or other Commandment whatſoever.'

CAP. XI.

The Covenants of thoſe that ſhall ſerve the King in his Wars or Embaſſies ſhall be put in Writing, and ſent into the Exchequer.

ITEM pur ce qe grantz meſchiefs ont eſcheuz devant ces heures a diverſes perſones ſibien a les Seignurs du Roialme come as autres qe furent retenuz ou aſſignez de ſervir a noſtre Seignur le Roi par endentures ou ſanz endentures en ſes guerres ſes meſſageries ou en autre manere & par celles cauſes reſcevrent certeins ſommes de deniers a la reſceite del dit eſcheqier ou aillours par aſſignement les quelles ſommes aient eſte miſes ſur eux es rolles del dit eſcheqier come deniers reſceuz par voie dappreſt & par tant celles ſommes currerent en demande ſur eux a leſcheqier come dette cler & combien qe les dites perſones enſi retenuz lours heirs executours occupiours des biens ou terre tenantz apres lour mort aient demandez pur eſtre reſceuz daccompter de les ſommes reſceuz ne pur quant ce nad mye eſte a eux grantez einz ont eſte conſtreintz de purſuer lour garant de grant ou prive ſeal direct as Treſorer & Barons illoeqes par quel fuſt commandez as Treſorer & Barons daccompter avec eux en celle partie les queux garantz meintfoitz ont eſte deniez a cauſe qe les officers du Roi novellement creez par cas navoient coniſſance de tielx retenus faitz devant lours temps & aſcun foitz ont eſte grantez mais noun pas ſi pleinement come reſon & le cas demandoient pur tant qe cel garant voloit qe laccompte ne deuſt eſtre reſceuz forſqe ſoulement de la ſomme enſi reſceue dappreſt la ou greindre ſomme par cas lour fuſt due de reſon a grant meſchief & anientiſſement des ditz perſones eſt ordenez & aſſentuz qe de toutz gentz qi deſore ſerront retenuz ou aſſignez de ſervir a noſtre Seignur le Roi ſoient les covenances miſes en eſcrit & envoiez en leſcheqier a y demorer de record iſſint qe a quele heure qe perſone enſi retenue ſes heirs executours occupiours des biens ou terre tenantz viegne ou viegnent daccompter de ce en leſcheqier ſoient ils a ce reſceuz & aient due allowance en lour accompte ſelonc la contenue de lour covenant. Et ſi par cas aſcun repell ou contremandement ſoit fait de tiel retenue daucune perſone apres qe ſes covenances ſoient miſes en eſcrit & envoiez al dit eſcheqier come deſſus eſt dit ſoit meſme le repell ſemblablement mis en eſcrit & envoiez al eſcheqier avantdit iſſint qe par la veue de cell repell & des covenances devant illoeqes envoiez les Barons del dit eſcheqir facent droit a la partie ſelonc ce qe la loy & reſon demandent. Et ſi rienz lours ſoit due par meſmes les accompts qe de ce par certification de meſme leſcheqier les Treſorer & Chamber-

"ITEM, Becauſe that great Miſchiefs have hap-"pened in Times paſt to divers Perſons, as well to "Lords of the Realm, as other, which were retained "or aſſigned to ſerve our Lord the King by Indentures "or without Indentures, in his Wars and his Meſ-"ſages, or in other Manner, and for the ſame Cauſes "receive certain Sums of Money at the Receipt of the "ſaid Exchequer, or elſewhere by Aſſignment, which "Sums have been put upon them in the Rolls of the "ſaid Exchequer, as Money received by Way of Loan, "and for that Cauſe the ſame Sums ſhould run in De-"mand upon them at the Exchequer as a clear Debt, "although the ſaid Perſons ſo retained, their Heirs, "Executors, Occupiers of their Goods, or Land Te-"nants, after their Death have demanded to be ad-"mitted to Accompt of the Sums received, which "hath not been granted to them, but they have been "conſtrained to purſue their Warrant by the Great "or Privy Seal directed to the Treaſurer and Barons "there, whereby it was commanded to the Treaſurer "and Barons to accompt with them in this Behalf; "which Warrants oftentimes have been denied, be-"cauſe that the King's Officers newly made percaſe "had no Knowledge of ſuch Retaining made before "their Time; and ſometimes have been granted, but "not ſo fully as Reaſon and the Caſe required; "And for as much as the ſame Warrant would that "Accompt ſhould not be received, but only of the "Sum ſo received by Loan, whereas a greater Sum "percaſe was due to them of Reaſon, to the great "Miſchief and Hinderance of the ſaid Perſons;"

The Covenants of thoſe which ſhall be retained to ſerve the King in his Wars or Embaſſies ſhall be ſent into the Exchequer.

'it is ordained and aſſented, That of all People 'which from henceforth ſhall be retained or aſſigned 'to ſerve the King, their Covenants ſhall be put in 'Writing, and ſent to the Exchequer, there to re-'main of Record; ſo that at what Time that any Per-'ſon ſo retained, his Heirs, or Executors, Occupiers 'of the Goods, or Land-Tenants, come to accompt 'thereof at the Exchequer, they ſhall be thereto re-'ceived, and have due Allowance in their Accompt, 'according to the Content of their Covenant. If 'percaſe any Repeal or Countermand be made of ſuch 'Retinue of any Perſon after that his Covenants be 'put in Writing, and ſent to the ſaid Exchequer, as 'is aforeſaid, the ſame Repeal likewiſe ſhall be put in 'Writing, and ſent to the Exchequer, ſo that by the 'Sight of the ſame Repeal, and of the Covenants be-'fore there ſent, the Barons of the ſaid Exchequer 'ſhall do right to the Party according as the Law and 'Reaſon demandeth. And if any Thing be due 'unto them by the ſame Accompt, that thereof by 'Certificate of the ſame Exchequer, the Treaſurer

'and

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'and the Chamberlains ſhall make Payment or Aſſignment to them without tarrying or ſuing other Warrant or Commandment of the Great or Privy Seal in this Behalf.'

lains lour facent paiement ou aſſignement ſanz attendre ou ſuer autre garant ou mandement du grant ou prive ſeal in celle partie.

CAP. XII.

The Accompts in the Exchequer ſhall be more ſpeedily heard than they were wont.

'ITEM it is ordained and aſſented, That the Accompts in the Exchequer ſhall be more ſhortly heard, made, and ingroſſed, than they were wont heretofore; ſaving always, that the Parcels of the ſame Accompts be made as fully as they were wont in Times paſt, and that by Ordinance to be made by the Barons of the ſaid Exchequer, there to endure of Record for ever.'

ITEM eſt ordenez & aſſentuz qe les accomptes en leſcheqier ſoient plus briefment oiez faitz & engroſſez qils ne ſoloient pardevant ſalve toutes voies qe les parcelles de meſmes les accomptes ſoient faitz auxi pleinement come ils ſoleient eſtre faitz en temps paſſe & ce par ordenance affaire par les Barons del dit eſcheqier a y durer de record pur tout temps avenir.

CAP. XIII.

Two Clerks ſhall be aſſigned to make Parcels of Accompts in the Exchequer.

'ITEM it is ordained and aſſented, That two Clerks ſhall be aſſigned to make Parcels of Accompts in the ſame Exchequer to them that will demand the ſame; and they ſhall be ſworn that they ſhall commit no Falſhood in their Office, and ſhall take for their Labour of them to whom they ſerve reaſonably, according to the Ordinance of the Barons of the ſaid Exchequer.'

ITEM eſt ordenez & aſſentuz qe deux clercs ſoient aſſignez pur faire parcelles daccomptes en meſme leſcheqier a ceux qe les veullent demander & ſoient ils jurez qils ne ferront nulle fauxine en lour office & prendront pur lour travaill de ceux as queux ils ſerveront reſonablement ſelonc lordinance des Barons del dit eſcheqier.

CAP. XIV.

Accompts of *Nichil* ſhall be put out of the Exchequer. An Accomptant diſcharged upon his Oath.

'ITEM it is ordained and aſſented, That the Accompts of *Nichil* in the Exchequer ſhall be wholly put out; or if any ſuch Accompt ought there to remain, the Accomptants preſently after their Oath made in the ſaid Exchequer ſhall be examined by the Barons there, if they ſhould or ought to anſwer the King of any Thing in this Behalf. And if it be found by their ſaid Oath, that they ought not, then by the ſame their Oath they ſhall be diſcharged to yield other Accompt before any Auditor, the King's Right always ſaved.'

4 Inſt. 106.

ITEM eſt ordenez & aſſentuz qe les accomptes de nichil en eſcheqier ſoient de tout ouſtez ou ſi aucuns tielx accomptz y deivent demorer ſoient les accomptantz maintenant apres lour ſerement fait en le dit eſcheqier examinez par les Barons illoeqes ſils y purront ou deivent de rienz reſpondre au Roi en celle partie. Et ſi trovez ſoit par lour dit ſerement qe noun adonqes par meſme lour ſerement ſoient ils deſchargez dautre accompte rendre devant aſcun auditour toutdys le droit le Roi ſalvez.

CAP. XV.

The Clerk of the Pipe, &c. ſworn for the Entry of Writs of the Great and Privy Seal.

'ITEM it is accorded and aſſented, That the Clerk of the Pipe and the Remembrancers of the Exchequer ſhall be ſworn, that from Term to Term they ſhall ſee (while the ſaid Exchequer ſhall be open) all the Writs of the Great Seal, or of the Privy Seal which ſhall be ſent to the ſaid Exchequer the ſame Term, for the final Diſcharge of any Perſon of the Realm of any Demand in the ſaid Exchequer, and that every of them, to whom it pertaineth, ſhall make due Execution of the ſaid Commandment. And alſo it is ordained and aſſented, That the ſaid two Remembrancers ſhall be ſworn of their Part, that every Term from henceforth they ſhall make a Schedule of all the Perſons that ſhall be diſcharged in their Offices by Judgment, or in other Manner in

ITEM eſt accordez & aſſentuz qe le clerc de pipe & les remembrances del eſcheqier ſoient jurrez qe de terme en terme ils verront tant come le dit eſcheqier ſerra overt toutz les briefs de grant ſeal & lettres de prive ſeal qe ſerront mandez al dit eſcheqir meſme le terme pur final deſcharge dautre cune perſone du Roialme daucun demande currant al dit eſcheqier & qe cheſcun de eux a qi il appartient ferra due execution du dit mandement. Et eſt auxint ordenez & aſſentuz qe les ditz deux remembrancers ſoient jurrez de lour part qe cheſcun terme de cy en avant ils ferront une cedule de toutes les perſones qi ſerront deſchargez en lour office par juggement ou en autre manere en meſme

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le terme daucuns demandes en dit eſcheqier contenante la manere de meſmes les deſcharges & de faire liverer celle cedule al dit clerc du pipe meſme le terme au fyn qe meſme le clerc de pipe face ent deſcharger les ditz parties en le grant rolle. Et auxint ſoit le dit clere du pipe jurrez qe il de terme en terme demandera les ditz cedules & meſmes les cedules par lui iſſint reſceuez il deſchargera ſes dites parties en manere ſuiſdite. Et en meſme la manere face le clerc du pipe pur ſa partie certifier en eſcrit as ditz remembrancers de touz tielx deſcharges qe ſerront faitz en ſon office au fyn qe homme deſchargez en une place ſoit deſchargez en toutes autres places del dit eſcheqir.

'the ſame Term, of any Demands in the ſame Exchequer, containing the Manner of the ſame Diſcharges, and to deliver the ſame Schedule to the ſaid Clerk of the Pipe the ſame Term, to the Intent that the ſame Clerk of the Pipe ſhall thereof diſcharge the ſaid Parties in the great Roll. Alſo the ſaid Clerk of the Pipe ſhall be ſworn, that he from Term to Term ſhall require the ſame Schedules, and the ſame Schedules by him ſo received, he ſhall diſcharge the ſaid Parties in the Manner aforeſaid. And in the ſame Manner the ſaid Clerk of the Pipe for his Part ſhall cauſe to be certified in Writing to the ſaid Remembrancers of all ſuch Diſcharges which ſhall be made in his Office, to the Intent that a Man diſcharged in one Place, be diſcharged in all other Places of the ſaid Exchequer.'

CAP. XVI.

Upon a Judgement of Livery, the Remembrancer ſhall cauſe the Suit to ceaſe.

ITEM coment qe pluſours foitz devant ces heures diverſes perſones ont euez liveree de lours terres & tenementz hors de mains le Roi par juggement renduz pur eux en Bank le Roi ou aillours & dyceux juggementz aient enapres fait procurer denvoier les tenures des recordz & proces en faitz par brief de Mittimus en leſcheqier avantdit al entente pur eux deſcharger des accomptes de eux demandez ſur meſmes les tenementz nientmeins les officers de meſme leſcheqier nont mye volu devant ceſte heure ent faire deſcharger les dites perſones devant qe meſmes les recordz & proces fuiſſent de parole en parole novellement entrez en leſcheqer & ſur ce novel proces fait & novel juggement illoeqes autrefoitz renduz a grant damage & delay des parties fanz profitz au Roi eſt ordeinez & aſſentuz qe deſore apres qe tiel record ove le tenure dyce le ſerra venuz en dit eſcheqer par mandement le Roi come dit eſt qe le remembrancer en qi office tiels accomptes ſeront demandez maintenant face ceſſer la ſuite en celle partie par paroles a entreres ſur lendoſſement del brief vouchant le tenure del record del dit juggement ſanz novel juggement ou proces faire en celle partie pluis avant.

"ITEM, Though that many Times heretofore divers Perſons have had Livery of their Lands and Tenements out of the King's Hands, by Judgement given for them in the King's Bench, or elſewhere, and of the ſame Judgements after have procured to ſend the Tenor of the Records and Proceſſes thereof made by Writ of *Mittimus* into the ſaid Exchequer, to the Intent to diſcharge them of the Accompts demanded of them upon the ſame Tenements; nevertheleſs the Officers of the ſame Exchequer would not in Times paſt diſcharge the ſaid Perſons thereof, before that the ſame Records and Proceſſes were Word by Word newly entered in the Exchequer, and thereupon new Proceſs made, and new Judgements there another Time given, to the great Damage and Delay of the Parties, without Profit to the King:" 'It is ordained and aſſented, That from henceforth after that ſuch Record, or the Tenor of the ſame, ſhall come into the ſaid Exchequer by the King's Commandment (as it is ſaid) that the Remembrancer, in whoſe Office ſuch Accompts ſhall be demanded, ſhall preſently cauſe the Suit to ceaſe in that Behalf, by Words to be entered upon the Indorſement of the Writ, vouching the Tenor of the Record of the ſaid Judgement, without new Judgement, or making of Proceſs further in this Behalf.'

How the Remembrancer ſhall uſe a Judgement of Livery coming out of any Court into the Exchequer. Altered by 33 H. 8. c. 22. *which is repealed by* 12 Car. 2. c. 24.

CAP. XVII.

The Fees of the Exchequer Clerks for making Commiſſions, or Records of *Niſi Prius*.

ET auxi eſt aſſentuz & le Roi defende eſtroitement qe deſore ne ſoit rienz donez pur une commiſſion affaire en le dit eſcheqer pur le fee de clerc qi le ferra oultre deux ſoldz tantſoulement ne pur le record de niſi prius avec la brief ſi noune qe deux ſoldz ſoulement come devant ces heures y ſoloiet eſtre fait & uſez.

'ITEM it is aſſented, and the King ſtraitly defendeth, That from henceforth nothing ſhall be given for making of a Commiſſion in the ſaid Exchequer for the Fee of the Clerk which ſhall make the ſame, above Two Shillings only; nor for the Record of *Niſi Prius* with the Writ, but Two Shillings only, as afore this Time was wont to be done and uſed.'

Et pur ce vous mandons qe les ditz eſtabliſſementz & ordinances facez duement crier & publier es citees burghs villes feires marchees & autres lieux notables deinz voſtre baillie deinz franchiſes & dehors & duement les gardir & faire tenir ſelonc le tenour & forme dicelles. Don par teſmoignance de noſtre grant ſeal a Weſtm' le xvii. jour de May lan de noſtre regne quint.

Conſimilia mandata diriguntur ſingulis vicecomitibus per Angliam.

Ordinationes

Ordinationes & concordie facte in Parliamento tento apud Weſtm' in craſtino Sancti Johannis ante portam Latinam Anno quinto.

Other Statutes made at *Weſtminſter*, Anno 5 RICH. II. *Stat.* 2. and *Anno Dom.* 1382.

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REX vicecomiti Cornubie ſalutem. Cum de communi aſſenſu noſtro ac Procerum Magnatum & Communitatum regni noſtri Anglie nobis in ultimo parliamento noſtro aſſiſtentium pro ſecuriori regimine & melioratione regni noſtri predicti & mercandiſarum ejuſdem quedam concordie ſive ordinationes facte fuiſſent inter alia ſub hac forma:

" FOR the common Profit of the Realm of *Eng-*
" *land*, Five Ordinances and Eſtabliſhments
" have been made by our Lord the King, the
" Prelates, Lords and Commons of the ſaid Realm,
" being in this preſent Parliament holden at *Weſtmin-*
" *ſter* the *Tueſday* next after the Feaſt of St. *John*
" *Portlatine*, the fifth Year of the Reign of our Lord
" King RICHARD the Second, in the Form follow-
" ing."

PUR commune profit du Roialme dEngleterre aient eſte faitz par noſtre Seignur le Roy les prelatz Seignurs & communes du dit Roialme eſteantz en ceſt parlement tenuz a Weſtm' lendemain de ſeint Johan Portlatyn lan du regne noſtre Seignur le Roi RICHARD quint certaines ordinances & eſtabliſſementz en la forme qe ſenſuit.

CAP. I.

Merchants Strangers may come unto, continue, and depart forth of the Realm.

' FIrſt it is accorded and aſſented in the Parliament,
' That all Manner of Merchants Strangers, of
' whatſoever Nation or Country they be, being of the
' Amity of the King and of his Realm, ſhall be wel-
' come, and freely may come within the Realm of
' *England*, and elſewhere within the King's Power,
' as well within Franchiſes as without, and there to be
' converſant to merchandiſe and tarry as long as them
' liketh, as thoſe whom our ſaid Lord the King by the
' Tenour hereof taketh into his Protection and Safe-
' guard, with their Goods, Merchandiſes, and all
' Manner Familiars. And for ſo much the King
' willeth and commandeth, That they and every of
' them be well, friendly, and Merchant-like intreated
' and demeaned in all Parts within his ſaid Realm and
9 H. 3. ſtat. 1. c. 30. ' Power, with their Merchandiſes and all Manner
9 Ed. 3. ſtat. 1. c. 1. ' Goods, and ſuffered to go and come, and into their
' proper Country peaceably to return without Diſ-
25 Ed. 3. ſtat. 4. c. 2. ' turbance or Impeachment of any.'

PRimerement eſt aſſentuz & accordez en parlement qe toutes maneres deſtraunges marchantz de quelconqe nation ou paiis qils ſoient eſteantz del amiſtee noſtre Seignur le Roi & de ſon Roialme ſoient bien venuz & franchement venir purront deinz le Roialme dEngleterre & aillours en la poair noſtre dit Seignur ſibien deinz franchiſe come dehors & illoeqes converſer merchander & demorer ſi longement come bon lour ſemblera come ceux les queux treſtouz noſtre Seignur le Roi par le tenour diceſtes prent en ſa protection & ſalve garde avec lour biens merchandiſes & familiers quelconqes. Et par tant voet le Roi & comande qils & cheſcun de eux ſoit & ſoient bien amiablement & merchandeablement tretez & demeſnez toutes partz deinz les ditz Roialme & poair avec lours merchandiſes & biens quelconqes & ſoeffertz daler venir & en lours propres paiis peiſiblement retournir ſanz deſtourbance ou empeſchement de nully.

See 11 *R.* 2. *c.* 7. 16 *R.* 2. *c.* 1. *and* 12 *H.* 7. *c.* 6. *containing ſeveral Reſtrictions and Alterations.*

CAP. II.

EXP. Woollfells and Leather may be carried into any Country by Aliens or Denizens, ſaving into *France*, until *Michaelmas* come Twelvemonth. Certain Money ſhall be abated to them that will pay their Cuſtom beforehand.

CAP. III.

EXP. A Subſidy granted to the King, ſo that the Money that cometh thereby may be wholly imployed upon the Keeping of the Sea.

CAP. IV.

Every one to whom it belongeth, ſhall upon Summons come to the Parliament.

4 Inſt. 10, 43. ' ITEM the King doth will and command, and it
' is aſſented in the Parliament, by the Prelates,
' Lords and Commons, That all and ſingular Per-
' ſons and Commonalties, which from henceforth ſhall

ITEM voet le Roi & comande & eſt aſſentuz en parlement par les Prelatz Seignurs & communes qe toutes ſinguleres perſones & comminaltes qaveront deſore la ſomoncé de parlement veiegnent de cy en

Ex Rot. in Turr. Lond.

en avant as parlements par manere come ils ſont tenuz de faire & a eſte acuſtumez deinz le Roialme dEngleterre dauncienete. Et quelconqe perſone de meſme le Roialme qavera deſore la dite ſomonce ſoit il Erceveſqe Eveſqe Abbe Priour Duc Cont Baron Baneret chivaler de contee citezein de citee burgeis de burgh ou autre ſingulere perſone ou comminaltee quelconqe ſoi abſente ou ne veigne mye a la dite ſomonce ſil ne ſe purra reſonablement & honeſtement ent excuſer devers le Roi noſtre Seignur ſoit amerciez & autrement puniz ſelonc ce qe auncienement a eſte uſez deinz le Roialme avantdit en dit cas. Et ſi aſcun viſcont du Roialme ſoit deſore necligent en feiſant ſes retournes des briefs du parlement ou qil face entreleſſer hors des ditz retournes aucuns citees ou burghs queux ſont tenuz & dauncien temps ſoloient venir a parlement ſoit puniz en manere qeſtoit acuſtumez deſtre fait en le cas dauncienetee.

'have the Summons of the Parliament, ſhall come from henceforth to the Parliaments in the Manner as they are bound to do, and have been accuſtomed within the Realm of *England* of old Times. And if any Perſon of the ſame Realm, which from henceforth ſhall have the ſaid Summons (be he Archbiſhop, Biſhop, Abbot, Prior, Duke, Earl, Baron, Banneret, Knight of the Shire, Citizen of City, Burgeſs of Borough, or other ſingular Perſon, or Commonalty) do abſent himſelf, and come not at the ſaid Summons (except he may reaſonably and honeſtly excuſe him to our Lord the King) he ſhall be amerced, and otherwiſe puniſhed, according as of old Times hath been uſed to be done within the ſaid Realm in the ſaid Caſe. And if any Sheriff of the Realm be from henceforth negligent in making his Returns of Writs of the Parliament; or that he leave out of the ſaid Returns any Cities or Boroughs, which be bound, and of old Time were wont to come to the Parliament, he ſhall be puniſhed in the Manner as was accuſtomed to be done in the ſaid Caſe in Times paſt.'

2 Ed. 3. 19, 20.

The Puniſhment of a Sheriff omitting his Returns.

CAP. V.

Sheriffs commiſſioned to apprehend Preachers of Hereſy, and their Abettors. The Enormities enſuing the Preaching of Hereſies.

Rep. 1. Ed. 6. c. 12. 1 El. c. 1. Hale H. P. C. 394.

NOS volentes dictas concordias ſive ordinationes in omnibus & ſingulis ſuis articulis inviolabiliter obſervari tibi precipimus quod predictas concordias ſive ordinationes in locis infra ballivam tuam ubi melius expedire videris tam infra libertates quam extra publice proclamari & teneri facias juxta formam prenotatam.

T. R. apud Weſtm' xxvi. die Maii.

Conſimilia mandata diriguntur ſingulis vicecomitibus per Angliam.

Statutes made at Weſtminſter, Anno 6 RICH. II. *Stat.* 1. *and* Anno Dom. 1382.

Ex Rot. in Turr. Lond. *m.* 20.

REX vicecomiti Kancie ſalutem. Scias nos quedam ſtatuta ordinationes & remiſſiones in ultimo parliamento noſtro apud Weſtm' tento pro communi utilitate regni noſtri Anglie fieri feciſſe in hec verba.

AD laudem & honorem omnipotentis Dei & ſancte matris eccleſie commodumque regni Anglie & utilitatem reipublice dominus Ricardus Dei gratia rex Anglie & Francie & Dominus Hibernie de Aſſenſu prelatorum Ducum Comitum Baronum & Communitatum dicti regni Anglie in parliamento ſuo apud Weſtm' die Lune in octabis ſancti Michaelis anno regni ſui Anglie ſexto convocato ſtatuta quedam ordinationes remiſſiones & pardonationes fieri fecit & ſtabiliri in forma ſubſequenti.

"TO the Laud and Honour of Almighty GOD, and of our holy Mother the Church, and to the Commodity and Profit of the Realm of *England*, and of the Commonalty of the ſame, our Lord RICHARD by the Grace of GOD King of *England* and of *France*, and Lord of *Ireland*, by the Aſſent of the Prelates, Lords, and Commons, of the ſaid Realm of *England*, in his Parliament holden at *Weſtminſter*, the *Monday* in *Utas* of St. *Michael*, in the Sixth Year of his Reign, hath cauſed to be made and ſtabliſhed certain Statutes, Ordinances, Remiſſions, and Pardons, in the Form following:"

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed.

IN primis ordinatum eſt & concordatum quod ſancta mater eccleſia Anglicana habeat omnes libertates ſuas integras & illeſas ac eiſdem plene

'FIRST it is ordained and accorded, That our holy Mother the Church of *England* have all her Liberties whole and unhurt, and the ſame fully

Ex Rot. in Turr. Lond.

'enjoy and uſe: And that the Great Charter, and 'the Charter of the Foreſt, and the Statute of Pur-'veyors for the King's Houſe, and for others, and all 'Statutes and Ordinances before this Time made, 'and not yet repealed, be firmly obſerved in all their 'Articles, and put in due Execution according to the 'Effect of the ſame.'

gaudeat & utatur & quod Magna Carta & Carta de Foreſta ſtatutaque facta de Proviſoribus pro hoſpitio domini Regis & aliorum ac omnia alia ſtatuta & ordinationes ante hec tempora facta & nondum revocata in omnibus ſuis articulis firmiter obſerventur & executioni debite juxta effectum eorundem demandentur.

CAP. II.

Writs of Debt, Accompt, &c. ſhall be commenced in the Counties where the Contracts were made.

21 Ed. 4. f. 47. Fitz. Brief, 18, 23, 44, 274, 649, 691.

'ITEM, To the Intent that Writs of Debt and 'Accompt, and all other ſuch Actions, be from 'henceforth taken in their Counties, and directed to 'the Sheriffs of the Counties where the Contracts of 'the ſame Actions did riſe; it is ordained and ac-'corded, That if from henceforth in Pleas upon the 'ſame Writs it ſhall be declared, That the Contract 'thereof was made in another County than is con-'tained in the original Writ, that then incontinently Raſt. 178. 'the ſame Writ ſhall be utterly abated.'

ITEM ut brevia de debito & computo aliiſque hujuſmodi actionibus quecumque de cetero capiantur in com' & dirigantur vicecomitibus com' ubi contractus actionum earundem emerſerint ordinatum eſt & concordatum quod decetero in placitis ſuper brevibus illis narratum fuerit contractum inde fore factum in alio comitatu quam in brevi originali continetur quod tunc incontinenti breve illud penitus caſſetur.

CAP. III.

In what Court, Writs of Nuiſance, called *Vicontiels*, ſhall be purſued.

'ITEM it is accorded and ordained, That all Writs 'of Nuiſances, commonly called *Vicontiels*, ſhall be 'from henceforth made at the Election of the Plain-'tiff, in the Nature of old Times uſed, or elſe in the 'Nature of Aſſiſes determinable before the King's Ju-'ſtices of the one Bench or the other, or before the 13 Ed. 1. ſtat. 1. c. 24. 'Juſtices of Aſſiſe to be taken in the County of the 'Place aſſigned or to be aſſigned.'

ITEM ordinatum eſt & concordatum quod omnia brevia de nocumentis vicecomitalia vulgariter nuncupata fiant decetero ad electionem querentis in natura antiquitus uſitata vel etiam in natura aſſiſarum terminabilium coram Juſtitiariis domini Regis de uno Banco vel altero ſeu Juſtitiar' aſſiſarum in comitat' loci capiend' aſſignat' & aſſignand'.

CAP. IV.

Deeds inrolled, which were deſtroyed, in the late Inſurrection, exemplified, ſhall be of Force.

CAP. V.

Juſtices of Aſſiſe, &c. ſhall hold their Seſſions in principal Towns.

'ITEM it is ordained and accorded, That the Ju-'ſtices aſſigned and to be aſſigned, to take Aſſiſes 'and deliver the Gaols, ſhall from henceforth hold 'their Seſſions in the principal and chief Towns of 9 H. 3. ſtat. 1. c. 2. 'every of the Counties, where the Shire Courts of 13 Ed. 1. ſtat. 1. c. 30. 'the ſame Counties be holden, and hereafter ſhall be 'holden.'

ITEM ordinatum eſt & concordatum quod Juſtitiarii ad aſſiſas capiendas & gaolas deliberandas aſſignati & aſſignandi decetero teneant ſeſſiones ſuas in principalibus & capitalibus villis ſingulorum comitatuum ubi videlicet comitatus eorundem comitatuum tenentur vel impoſterum tenebuntur.

14 H. 6. c. 3. Farther provided for 11 R. 2. c. 11. *giving Chancellor and Juſtices Power to appoint where Aſſizes ſhall be held.*

CAP. VI.

The Penalties of the Man and Woman, where a Woman raviſhed doth conſent. In an Appeal of Rape, the Defendant ſhall not wage Battel.

"ITEM, Againſt the Offenders and Raviſhers of "Ladies, and the Daughters of Noblemen, and "other Women in every Part of the ſaid Realm, in "theſe Days offending more violently, and much more 5 Ed. 4. f. 6. "than they were wont;" 'it is ordained and ſta-'bliſhed, That whereſoever and whenſoever ſuch La-'dies, Daughters, and other Women aforeſaid, be ra-

ITEM contra malefactores & raptores dominarum & filiarum nobilium aliarumque mulierum violentius & plus ſolito hiis diebus quaſi in omni parte regni predicti invaleſcentes ordinatum eſt & ſtatutum quod ubicunque & quandocunque hujuſmodi domine filie & alie mulieres predicte decetero rapiantur & poſt hujuſmodi raptum hujuſmodi raptoribus

Ex Rot. in Turr. Lond.

toribus conſenſerint quod tam raptores ſive rapientes quam rapte & eorum quilibet de cetero inhabilitentur & inhabiles ſint ipſo facto ad omnem hereditatem dotem ſive conjunctum feoffamentum poſt mortem virorum & anteceſſorum ſuorum habend' vel vendicand'. Et quod ſtatim in hoc caſu proximus de ſanguine eorundem rapientium & raptarum cui hereditas dos ſeu conjunctum feoffamentum deſcendere reverti remanere vel accidere deberet poſt mortem rapientis vel rapte habeat titulum immediate ſtatim ſcilicet poſt raptum intrandi ſuper rapientem vel raptam ac eorum aſſignatos & terre tenentes in eiſdem hereditate dote ſeu conjuncto feoffamento & illa hereditarie tenend'. Et quod viri hujuſmodi mulierum ſi viros habuerint vel ſi viros non habuerint ſuperſtites quod tunc patres vel alii de ſanguine eorundem propinquiores decetero habeant ſectam proſequendi & ſequi poterunt verſus eoſdem malefactores & raptores in hac parte & illos inde quamvis eadem mulieres poſt hujuſmodi raptum dictis raptoribus conſenſerint de vita & membro convincendi. Et ulterius concordatum eſt quod defendens in hoc caſu ad duellum vadiandum minime recipiatur Immo rei veritas inde per inquiſitionem patrie trietur Salvis ſemper Domino Regi & ceteris dominis regni predicti de raptoribus illis ſi fortaſſis inde convincantur in omnibus eſcaetis ſuis.

'viſhed, and after ſuch Rape do conſent to ſuch Raviſhers, that as well the Raviſhers, as they that be raviſhed, and every of them, be from thenceforth diſabled, and by the ſame Deed be unable to have or challenge all Inheritance, Dower, or Joint-Feoffment after the Death of their Huſbands and Anceſtors. And that incontinently in this Caſe, the next of the Blood of thoſe Raviſhers, or of them that be raviſhed, to whom ſuch Inheritance, Dower, or Joint-Feoffment, ought to revert, remain, or fall after the Death of the Raviſher, or of her that is ſo raviſhed, ſhall have Title immediately, that is to ſay, after the Rape, to enter upon the Raviſher, or her that is raviſhed, and their Aſſigns, and Land-Tenants in the ſame Inheritance, Dower, or Joint-Feoffment, and the ſame to hold in State of Inheritance. And that the Huſbands of ſuch Women, if they have Huſbands, or if they have no Huſbands in Life, that then the Fathers, or other next of their Blood, have from henceforth the Suit to purſue, and may ſue againſt the ſame Offenders and Raviſhers in this Behalf, and to have them thereof convict of Life, and of Member, although the ſame Women after ſuch Rape do conſent to the ſaid Raviſhers. And further it is accorded, That the Defendant in this Caſe ſhall not be received to wage Battel, but that the Truth of the Matter be thereof tried by Inquiſition of the Country; ſaving always to our Lord the King, and to other Lords of the ſaid Realm, all their Eſcheats of the ſaid Raviſhers, if peradventure they be thereof convict.'

3 Co. 61. Plow. 45.

Bro. Parl. 89. 1 H. 6. f. 1.

3 Ed. 1. c. 13. 13 Ed. 1. ſtat. 1. c. 34. *See* 18 *El. c.* 7 *which takes away Clergy from Offences of Rape; and the* 4th *Sect. of the ſame Statute, which makes it Felony, without Clergy, to have carnal Knowledge of a Woman Child, under the Age of ten Years.*

CAP. VII.

At what Prices ſweet Wines may be ſold.

Rep. 7 R. 2. c. 11. 5 R. 2. ſtat. 1. c. 4. 28 H. 8. c. 14.

CAP. VIII.

Where no *Engliſh* Ships are to be had, others may be uſed.

ITEM licet in eodem parliamento alias ordinatum fuiſſet quod nullus ligeus domini Regis poſt feſtum Paſche proximo futurum aliqua mercandiſas ſeu bona extra regnum Anglie educenda ſeu infra idem regnum adducenda in aliquibus navibus ſub pena forisfacture bonorum & mercandiſarum predictorum vel valoris eorundem preterquam in navibus de ligeantia Regis predicti aliqualiter eſkipparet de aſſenſu tamen predicto ordinatum eſt & conceſſum quod quamdiu naves de legeantia ejuſdem domini Regis in partibus ubi eoſdem mercatores converſari contigerit habiles & ſufficientes inveniantur quod dicta ordinatio tantum locum habeat ſic quod tunc eaſdem naves de ligeantia regis ſub pena predicta pre aliis omnibus navibus de mercandiſis ſuis frettare teneantur Alioquin vero liceat prefatis mercatoribus alias naves competentes conducere & ibidem de bonis & mercandiſis ſuis frettare dicto priori ſtatuto non obſtante.

5 R. 2. ſtat. 1. c. 3.

See 4 H. 7. c. 10. 23 H. 8. c. 7. 32 H. 8. c. 14. Rep. 1 El. c. 13. 5 El. c. 5. 13 El. c. 15.

CAP. IX.

No Victualler ſhall execute a Judicial Place in a City or Town Corporate.

ITEM ordinatum eſt & ſtatutum quod nec in Civitate London nec in aliis civitatibus burgis villis vel portubus maris per totum regnum predictum aliquis vitallarius officium judiciale decetero habeat exerceat neque occupet quoviſmodo niſi in villis ubi alia perſona ſufficiens ad hujuſmodi ſtatum habendum reperiri non poterit. In quo tamen caſu idem Judex pro tempore quo in officio illo ſteterit ab exercitio vitallarie ſub pena forisfacture victualium ſuorum ſic venditorum penitus ceſſet & ſe abſtineat per ſe & ſuos omnino ab eodem.

Rep. 7 Ric. 2. c. 11. 12 Ed. 2. ſtat. 3. c. 6. *Altered by* 3 H. 8. c. 8.

CAP. X.

Aliens being in Amity with the King, may bring in Victuals, and ſell them.

Repealed by 7 R. 2. c. 11. *Confirmed by* 1 H. 4. c. 17. 14 H. 6. c. 6.

CAP. XI.

Ex Rot. in Turr. Lond.

Rep. 7 R. 2. c. 11. Hoſts in Cities, Towns, &c. on the Sea-coaſts, ſhall not foreſtall Fiſh or other Victuals. Fiſhmongers of *London* may not buy freſh Fiſh to ſell again, except Eels, &c.

CAP. XII.

Rep. 7 R. 2. c. 11. All chief Officers of Towns Corporate ſhall be ſworn to obſerve the aforeſaid Ordinance touching Fiſhmongers.

CAP. XIII.

The King's Pardon to his Subjects after the late Inſurrection, with Exceptions.

T. R. apud Weſtm' xxiiii die Octobr' anno viceſimo.

Conſimilia mandata diriguntur ſingulis vicecomitibus per Angliam ſub eadem data.

Other Statutes made at Weſtminſter, Anno 6 RICH. II. *Stat.* 2. *and* Anno Dom. 1383.

Ex Rot. in Turr. Lond. *m.* 19.

REX vicecomitibus London & Middleſexie ſalutem. Sciatis quod in parliamento noſtro apud Weſtm' ultimo tento quedam ſtatuta pardonationes & ordinationes fieri fecimus in hec verba "In parliamento tento apud Weſtm' die lune in tertia ſeptimana Quadrageſime anno regni Regis RICARDI ſecundi poſt conqueſtum ſexto Dominus noſter Rex de aſſenſu Prelatorum Procerum & Magnatum ſibi in eodem parliamento aſſiſtentium ſtatuta quedam remiſſiones & ordinationes fieri fecit ad laudem & honorem omnipotentis Dei & pro quiete populi ſui in forma ſubſequenti."

CAP. I.

EXP. A more large Pardon granted by the King to the Offenders in the late Inſurrection, with few Exceptions.

CAP. II.

EXP. Confirmation of the Statutes of Purveyors, &c.

CAP. III.

EXP. They who can bring Witneſſes that they came to the Inſurrection compelled, ſhall be acquitted of Treſpaſſes.

CAP. IV.

EXP. Actions of Treſpaſs to be brought within a limited Time.

CAP. V.

The Number of Compurgators to prove the Compulſion.

ITEM quantum ad querelas ſive ſectas tranſgreſſionum in dicta inſurrectione factarum coram quibuſcunque Juſticiariis Regis inchoatas aut citra quindenam predictam inchoandas ſimiliter ordinatum eſt & concordatum quod ſi ipſi verſus quos hujuſmodi ſecte capte ſint vel capientur ante quindenam predictam ante judicium redditum venerint & ſe inde per tres vel quatuor bonos viros & idoneos atque non ſuſpectos ad hoc juratos coram Judicibus ubi placitum inde pendens fuerit ſe inde purgare vel alias inde acquietare voluerint videlicet quod ipſi in loco pretenſo cauſa mali voluntarie non venerunt neque dampnum fecerunt niſi ſolummodo per compulſionem aliorum ad hoc recipiantur per Juſtic' & Judices predictos & facta hujuſmodi purgatione per teſtes predictos extunc inde penitus recedant quieti. Vobis precipimus quod ſtatuta ordinationes & pardonationes predicta infra baillivam veſtram publice proclamari & firmiter teneri facias juxta effectum & tenorem eorundem.

T. R. apud Weſtm' xviii. die Maii anno regni noſtri ſexto.

Conſimilia mandata diriguntur vicecomitibus ſubſcriptis ſub eadem data videlicet,

Vic' Norff' & Suff'	*Vic' Devon'*
Vic' Eſſex' & Hertf'	*Vic' Cantebr' & Hunt'*
Vic' Lincoln'	*Vic' Bed' & Buk'*
Vic' Ebor'	*Vic' Northampt'*
Vic' Kanc'	*Vic' Glouc'*
Vic' Surr' & Suſſex'	*Vic' Suthampt'*
Vic' Somers' & Dors'	*Vic' Wiltes'.*
Vic' Cornub'	

Statutes

Statutes made at Weſtminſter, Anno 7 RICH. II. *and* Anno Dom. 1383.

Ex Rot. in Turr. Lond. *m.* 19.

LE Roi a noſtre viſcount de Kent ſaluz. Sachez qa noſtre parlement tenuz a Weſtm' le Lundy proſchein devant le feſte de Toutz Seintz darrein paſſe al honour de Dieu & de ſeinte eſgliſe & pur commune profit du Roialme de laſſent des Prelatz Seignurs & communes eſteantz el dit parlement avons fait faire certeins eſtatutz & ordinances en la fourme qe ſenſuit.

" RICHARD by the Grace of God, *&c.* to the " Sheriff of *Kent*, Greeting, Know thou, that " at our Parliament holden at *Weſtminſter* the " *Monday* next before the Feaſt of *All Saints* laſt paſt, " to the Honour of God and of holy Church, and for " the common Profit of the Realm, of the Aſſent of " the Prelates, Lords and Commons being at the ſaid " Parliament, we have cauſed to be made certain Sta- " tutes and Ordinances in the Form following."

CAP. I.

A Confirmation of the Liberties of the Church.

PRimerement eſt aſſentuz & accordez qe ſeinte eſgliſe eit & enjoiſe toutes ſes libertees & franchiſes auxi entierement come ele les ad eux & enjoiez en temps des nobles Rois dEngleterre progenitours noſtre Seignur le Roi qore eſt.

' FIrſt it is aſſented and accorded, That holy Church, ' have and enjoy all her Liberties and Franchiſes, ' as wholly as ſhe hath had and enjoyed them in the ' Time of the King's noble Progenitors.'

CAP. II.

A Confirmation of all former Statutes in force.

ITEM qe la Grant Chartre & la Chartre de la Foreſte & toutz les autres bones eſtatutz & ordinances avant ces heures faitz & nient repellez ſoient tenuz & gardez & duement executz ſelonc leffect dicelles.

' ITEM, That the Great Charter and the Charter ' of the Foreſt, and all other good Statutes and Or- ' dinances made before this Time, and not repealed, ' ſhall be holden and kept, and put in due Execution ' according to the Effect of the ſame.'

CAP. III.

A Jury, for a Treſpaſs within the Foreſt, ſhall give their Verdict, where they received their Charge.

ITEM a la grevouſe pleinte qeſt ore faite des miniſtres de la foreſte eſt aſſentuz & accordez qe nulle manere de jurree ſoit deſore artex par aſcun miniſtre de la foreſte nautre perſone quelconqe de travailler de lieu en lieu hors des lieux ou leur charge lour eſt donez contre leur gree ne par malice ou par manace ou autre duretee conſtreinte de dire lour veredit de treſpas fait en foreſte autrement qe leur conſcience ne leur ent vorra clerement enfourmer einz dient ils lours vereditz ſur leur charge es lieux ou celle charge lour eſt donez come deſus eſt dit.

" ITEM, At the grievous Complaint which is now " made of the Officers of the Foreſt," ' it is aſſent- ' ed and accorded, That no Manner of Jury ſhall be ' from henceforth compelled by any Officer of the Fo- ' reſt, or other Perſon whatſoever, to travel from Place ' to Place, out of the Places where their Charge is given ' to them, againſt their Gree, nor by Malice, nor ' by Menace, or other Dureſs, conſtrained to give their ' Verdict of a Treſpaſs done in the Foreſt, otherwiſe ' than their Conſcience will clearly inform them; but ' they ſhall give their Verdicts upon their Charge, in ' the Places where their Charge is given them, as ' above is ſaid.' 9 H. 3. ſtat. 2. c. 16.

CAP. IV.

None ſhall be taken, or, impriſoned, by the Officers of the Foreſt, without Indictment.

ET eſt aſſentuz qe null homme ſoit pris nenpriſonez par miniſtre de foreſte ſanz due enditement ou mainoevre ou treſpaſſant en la foreſte ne conſtreint de faire obligation ou redemption a aſcun miniſtre du foreſte par queconqe manere encontre lour gree & laſſiſe de foreſte. Et ſi aſcun face encontre ceſte ordinance en aucun point & de ce ſoit atteint paie as parties endamagez lours doubles damages & fyn & raunceon au Roy pur ſon malefait.

' ITEM it is aſſented, That no Man be taken nor ' impriſoned by any Officer of the Foreſt, without ' due Indictment, or being taken with the Manner, or ' treſpaſſing in the Foreſt; nor ſhall be conſtrained ' to make any Obligation or Ranſom to any Officer of ' the Foreſt in any Sort againſt their Agreement and ' the Aſſiſe of the Foreſt. And if any do againſt ' this Ordinance in any Point, and thereof be attaint- ' ed, he ſhall pay to the Party damnified their double ' Damages, and Fine and Ranſom to the King for his ' Offence.' Regiſt. 80. 1 Ed. 3. ſtat. 1. c. 8. 9 *H.* 3. *ſtat.* 2. *c.* 10, 11, & 16.

CAP.

CAP. V.

Ex Rot. in Turr. Lond.

Rep. 39 Eliz. c. 4. & 21 Jac. 1. c. 28. Juſtices, *&c.* ſhall examine Vagabonds, and bind them to their good abearing, or commit them to Priſon.

CAP. VI.

The Statute of *Wincheſter* confirmed, and every Sheriff ſhall proclaim it.

3 *Ed.* 1. *c.* 9. 4 *Ed.* 1. *ſtat.* 2. 13 Ed. 1. ſtat. 2. c. 1. 28 *Ed.* 3. *c.* 11.

" ITEM, For the grievous Miſchiefs and Complaints that do daily happen of Robberies, Thefts, Manſlaughters, Burning of Houſes, and Ridings in Routs and great Companies in every Part of the Realm;" ' it is ordained and aſſented, That the Statute of *Wincheſter* (the Tenour whereof is ſent by our Lord the King this Year laſt paſt into every County of *England* to be proclaimed) be holden and kept in all Points, and put in good and haſty Execution, at the Complaint and Purſuit of every Man that feeleth himſelf grieved againſt the Tenour of the ſame. And to the Intent that no Man ſhall excuſe himſelf by Ignorance of the ſame Statute, it is alſo aſſented, That every Sheriff of *England* ſhall be bound from henceforth in proper Perſon to make Proclamation of the ſame Statute four Times in a Year in every Hundred of his Bailiwick, and by his Bailifs in every Market-Town, as well within Liberties as without.'

ITEM ſur les grevouſes meſchiefs & compleintz qe aveignent de jour en autre des roberies larcins homicides arſures des meiſons & chivachees es routes & grandes compagnies en cheſcune part du Roialme ordeigne eſt & aſſentuz qe leſtatut de Wynceſtre dont le tenour eſtoit envoiez par noſtre Seignur le Roi en lan prochein paſſez en cheſcun countee dEngleterre pur y eſtre proclamez ſoit tenuz & gardez en toutz pointz & mys en bone & haſtive execution a la plaint & purſuite de cheſcun qi ſe ſentera grevez encontre le tenour dicelle. Et au fyn qe homme ne ſe purra deſore excuſer par ignorance de meſme leſtatut eſt auxint aſſentuz qe cheſcun viſcont dEngleterre ſoit tenuz de cy en avant en propre perſone de faire proclamation de meſme leſtatut quatre foitz lan en cheſcun hundred de ſa baillie & par ſes baillifs en cheſcune ville marchee ſibien deinz franchiſes come dehors.

Altered by 27 *El. c.* 13. *and* 39 *El. c.* 25. *See likewiſe Index, tit.* Hue and Cry.

CAP. VII.

In what Caſe a *Niſi Prius* ſhall be granted, at the Suit of any of the Jurors.

Ex Rot. in Turr. Lond.

" ITEM, Againſt the Miſchief that happened to divers People of the Realm, which be impanelled and returned before the Juſtices and Barons of the Exchequer; in which Caſe, becauſe that the Inqueſt is not purſued to the End by thoſe that be Parties, but put in Delay from Year to Year, the Jurors do greatly loſe, and ſome much more than the Value of their Land is by Year, to their great Impoveriſhing and Hindrance:" ' It is accorded, That from henceforth in all Manner of Pleas where a *Niſi prius* is grantable of Office, after the great Diſtreſs returned, and three Times ſerved before the Juſtices againſt the Jurors, and thereupon the Parties demanded, if none of the ſaid Parties will purſue, or if the Parties refuſe to have a Writ of *Niſi prius* in the Caſe, then at the Suit of any of the Jurors that be preſent, a Writ of *Niſi prius* ſhall be made and granted, and that as well in the Exchequer as elſewhere, and thereupon the Quarrel ſhall be ſet at an End without Delay, according as the Caſe requireth, and the Law demandeth.'

ITEM encontre le meſchief qavient as diverſes gentz du Roialme queux ſont empanellez & retournez devant les Juſtices & Barons de leſcheqir en quel cas par cauſe qe lenqueſte neſt mye purſue au fyn par ceux qi ſont parties einz mys en delay dan en an les jurrours y perdent grandement & aſcuns pluis qe la value de leur terre eſt par an a lour treſgrant empoveriſſement & deſtruction eſt accordez & aſſentuz qe deſore en avant en toutes maneres des plees en queux brief de niſi prius eſt grantable doffice apres le grande deſtreſce trois foitz ſerviz & retournez devant les Juges devers la juree & ſur ce les parties demandez ſi nulle des dites parties veulle purſuire ou ſi les parties refuſent davoir brief de Niſi prius en le cas adonqes a la purſuite daucun diceux jurrours qi ſoit preſent ſoit brief de Niſi prius fait & grantez & ce auxibien en leſcheqir come aillours & ſur ce la querele myſe au fyn ſanz delay ſelonc ce qe le cas requiert & la ley demande.

See farther Index, tit. Niſi Prius.

CAP. VIII.

OBS. 12 C. 2. c. 24. 36 Ed. 3. c. 6. 23 H. 6. c. 13.

No Subject's Chator ſhall take any Victuals or Carriage without the Owner's Conſent.

CAP. IX.

OBS. *by* 11 W. 3. c. 20. *which takes away Aulnage.*

A Confirmation of all Statutes made againſt all Deceits in Cloths, Aulnegers, *&c.*

CAP. X.

Where an Aſſiſe ſhall be taken of Rents, iſſuing forth of Lands, in divers Counties.

' ITEM it is ordained and aſſented, That an Aſſiſe of *Novel diſſeiſin* ſhall be from henceforth granted and made of Rent behind due of Tenements being

ITEM eſt ordeignez & aſſentuz qaſſiſe de novele diſſeiſine ſoit deſore grante & fait de rent aderiere due des tenementz eſteantz es diverſes countees

Ex Rot. in Turr. Lond.

tees a tenir en la conſyne des countees deinz queux les tenements ſont & ſur ce laſſiſe priſe & trie par gentz des ditz countees en meſme la manere come eſt fait du commune de paſture eſteantz en un countee & appendante as tenementz en autre countee & ce auxi avant des diſſeiſines faites devant ceſte heure come de diſſeiſines unqore affaires & qe briefs ſur ceo a la purſuyte des pleintifs ſoient deſore faitz en la Chauncellarie ſanz nulle manere de contradiction en due forme.

'in divers Counties, to be holden in the Confine of 'the Counties, within which the Tenements be; 'and thereupon the Aſſiſe taken and tried by People of 'the ſaid Counties in the ſame Manner as is done of 'a Common of Paſture being in one County, and ap-'pendant to Tenements in another County; and 'that as well of Diſſeiſins done in Times paſt, as of 'Diſſeiſins yet to be done; and that Writs there-'upon at the Suit of the Plaintiffs be made from hence-'forth in the Chancery without any Manner of Con-'tradiction, in a due Form.'

CAP. XI.

A Repeal of the Statutes, 5 Rich. 2. and 6 Rich. 2. touching Victuallers of *London*.

ITEM combien qe nadgairs en diverſes parlementz tenuz a Weſtm' les ans du regne noſtre dit Seignur le Roi quint & ſiſme furent faitz diverſes ordinances & eſtatutz des peſſoners de Londres & dautres vitaillers & auxint des vineters & la vente des vins & ſur ce meſmes les ordinances & eſtatuz oveſqe les peynes enycelles contenuz furent publiez & proclamez parmy le Roialme ſicome en les ditz ordinances & eſtatuz pluis pleinement purra apparoir Nientmeyns pur certeins encheſons a la requeſte des Communes dAngleterre ſur ceo eſpecialment fait eſt aſſentuz & accordez que meſmes les ordinances & eſtatutz des peſſoners vineters & vitaillers faitz en les ans deſuis ditz ſoient de tout anientiz & repellez & perdent lour force & vertue Sauvez nientmeins a noſtre Seignur le Roi toutz les forfaitures des vins a luy appertenantes par vertue de meſmes les ordinances & eſtatutz quant al tempts paſſez Purvez toutz foitz qe toutz les vins & vitaillers ſibien peſſoners come autres ove lour vitailles venantz a la dite Citee de Londres ſoient deſore deſouz le governaile & reule des Meir & Aldermannes de la Citee avant dite pur le temps eſteantz come auncienement y ſoleient eſtre.

"ITEM, Whereas in divers Parliaments holden at "*Weſtminſter*, the fifth and ſixth Years of our ſaid "Lord the King, divers Ordinances and Statutes of "Fiſhers of *London* and other Victuallers were made, "and alſo of Vintners, and of the Sale of Wines, and "thereupon the ſame Ordinances and Statutes, with "the Pains in them contained, were publiſhed and "proclaimed throughout the Realm, as in the ſaid "Statutes and Ordinances more plainly may appear:" 'Nevertheleſs for certain Cauſes, at the Requeſt of 'the Commons of *England* thereupon ſpecially made, 'it is aſſented and agreed, That the ſame Ordinances 'and Statutes of Fiſhers, Vintners, and Victuallers, 'made in the Years aforeſaid, ſhall be wholly an-'nulled and repealed, and ſhall loſe their Effect and 'Strength: Nevertheleſs ſaving to the King all 'the Forfeitures of Wines for the Time paſt that to 'him pertaineth by virtue of the ſame Ordinances and 'Statutes: Provided always, That all the Vintners 'and Victuallers, as well Fiſhers as other coming 'with their Victuals to the City of *London*, ſhall be 'from henceforth under the Governance and Rule of 'the Mayor and Aldermen of the ſaid City for the 'Time being, as in Time paſt it hath been uſed.'

Fiſhers and Victuallers of London are under the Rule of the Mayor and Aldermen. 31 Ed. 3. ſtat. 1. c. 10.

CAP. XII.

No Alien ſhall purchaſe or occupy any Benefice of the Church within this Realm.

ITEM come nadgairs en parlement tenuz a Weſtm' lan du regne noſtre dit Seignur le Roi tierce a la requeſte des Communes & par aſſent des Seignurs temporels eſtoit ordeignez & aſſentuz & ſur grevouſe peyne defenduz qe null liege de Roi nautre perſone quelconqe de quel eſtat ou condition qil fuiſt prendroit ne reſceivroit delors enavant deinz le Roialme dEngleterre procuracie lettre dattourne ne ferme nautre adminiſtration par endenture nautre manere quelconqe de nulle perſone daſcun benefice de ſeinte eſgliſe deinz le dit Roialme fors tantſoulement des lieges noſtre Seignur le Roi de meſme le Roialme ſanz eſpeciale grace & expreſſe congie de noſtre Seignur le Roi ſur certeine peine compriſe en leſtatut avantdit aſſentuz eſt ore & accordez par meſmes les Seignurs qe meſme leſtatut teigne ſes force & vertue en toutz pointz. Et outre ceo eſt auxint aſſentuz qe ſi aſcun alien eit purchacez ou deſore purchaſe aſcun benefice de ſeinte eſgliſe dignite ou autre & en propre perſone preigne poſſeſſion dicelle ou loccupie de

"ITEM, Whereas late in the Parliament holden at "*Weſtminſter*, the Third Year of the Reign of our "ſaid Lord the King, at the Requeſt of the Com-"mons, and by the Aſſent of the Lords Temporal, it "was ordained and aſſented, and upon a grievous "Pain prohibited, that no Subject of the King nor "other Perſon, of what Eſtate or Condition he were, "ſhould take, neither receive from thenceforth, with-"in the Realm of *England*, Procuracy, Letter of At-"torney, ne Ferm, nor any other Adminiſtration by "Indenture, or in any other Manner, of any Perſon "concerning any Benefice of holy Church within the "Realm, but only of the King's Subjects of the ſame "Realm, without the eſpecial Grace and expreſs Li-"cence of our ſaid Lord the King, upon a certain "Pain contained in the ſaid Statute;" 'it is aſ-'ſented and agreed by the ſame Lords, That the ſame 'Statute ſhall keep his Force and Effect in all Points. 'And moreover it is aſſented, That if any Alien 'have purchaſed, or from henceforth ſhall purchaſe 'any Benefice of holy Church, Dignity, or other 'Thing, and in his proper Perſon take Poſſeſſion of the

27 *Ed.* 3. *de Proviſor.*

A Confirmation of the Statute of 3 R. 2. c. 3.

Ex Rot. in Turr. Lond.

'the ſame, or occupy it himſelf within the Realm, whether it be to his own proper Uſe, or to the Uſe of another, without eſpecial Licence of the King, he ſhall be compriſed within the ſame Statute: And moreover ſhall incur all Pains and Forfeitures in all Points as is before ordained by another Statute made the Five and twentieth Year of the noble King EDWARD the Third, Grandfather to our Lord the King that now is, againſt them that purchaſe Proviſions of Abbeys or Priories. And to the Intent that ſuch Licences ſhall not be from henceforth made, the King willeth and commandeth to all his Subjects and other, that they ſhall abſtain them from henceforth to pray him for any ſuch Licence to be given. And alſo the King himſelf will refrain to give any ſuch Licence during the Wars, except to the Cardinal of *Naples*, or to ſome other ſpecial Perſon to whom the King is beholden for a ſpecial Cauſe.'

fait deinz meſme le Roialme ſoit il a ſon oeps propre ou al oeps dautri ſanz eſpeciale congie du Roi ſoit il compris en meſme leſtatut & outre ceo encourge en toutz pointz tielx peines & forfaiture come ſont ordeinez par un autre eſtatut fait en lan xxv. del regne luy noble Roi E. aiel noſtre Seignur le Roi qore eſt contre ceux qi purchacent proviſions Dabbeies ou Priories. Et en outre au fyn qe tielx licences ne ſe facent deſore enavant le Roi voet & commande a toutz ſes lieges & autres qils lour abſtiegnent de cy enavant de luy prier daſcuns tiels licences doner. Et ſi voet auxi le Roi luy meſmes abſtiegner de doner aſcune tiele licence durantes les guerres horſpris au Cardinal de Naples ou a autre eſpeciale perſone a qi le Roi ſoit par eſpeciale cauſe tenuz.

25 Ed. 3. ſtat. 5. c. 22.

The Cardinal of Naples excepted.

Enforced by 16 R. 2. c. 5. *And ſee* 5 El. c. 1.

CAP. XIII.

No Man ſhall ride in Harneſs within the Realm, nor with Launcegays.

'ITEM it is ordained and aſſented, and alſo the King doth prohibit, That from henceforth no Man ſhall ride in Harneis within the Realm, contrary to the Form of the Statute of *Northampton* thereupon made, neither with Launcegay within the Realm, the which Launcegays be clearly put out within the ſaid Realm, as a Thing prohibited by our Lord the King, upon Pain of Forfeiture of the ſaid Launcegays, Armours, and other Harneſs, in whoſe Hands or Poſſeſſion they be found that bear them within the Realm, contrary to the Statutes and Ordinances aforeſaid, without the King's ſpecial Licence.'

ITEM eſt ordeignez & aſſentuz & le Roi defende qe deſoremes null homme chivache deinz le Roialme armez encontre la forme de leſtatut de Norhampton ſur ce fait ne oveſqe lancegay deinz meſme le Roialme les queux lancegays ſoient de tout ouſtez deinz le dit Roialme come choſe defendue par noſtre Seignur le Roi ſur peine de forfaiture dicelx lancegays armures & autres herneys quelconqes es mayns & poſſeſſion de celluy qi les portera deſore deinz meſme le Roialme contre ceſtz eſtatutz & ordinances ſanz eſpeciale congie de Roi noſtre Seignur.

7 Ed. 1. ſtat. 1. 2 Ed. 3. c. 3. *Enforced by* 10 R. 2. c. 1.

CAP. XIV.

They which ſhall depart the Realm by the King's Licence, may make general Atturnies.

'ITEM in Writs of *Præmunire facias* it is aſſented and agreed, That they againſt whom ſuch Writs be ſued, and who at this Time be out of the Realm, and be of good Fame, and have made their general Atturnies before their Departing, that the Chancellor of *England* for the time being, by the Advice of the Juſtices, may grant, that the ſame Perſons may appear to anſwer, to do, and to receive that Thing which the Law demandeth, by their general Atturnies aforeſaid, as well as in other Cauſes and Quarrels. And thoſe Perſons which from henceforth ſhall paſs by the King's Licence, and be of good Fame, that at their Requeſt the Chancellor, by the Advice of the Juſtices, may grant to them to make their general Atturnies in the Chancery by the King's Patent, before their Paſſage, to anſwer as well in the ſaid Writs of *Præmunire facias*, as in other Writs and Plaints; in which Caſe expreſs Mention ſhall be made at all Times of the Writs and Plaints of *Præmunire facias*. And this Patent ſo made, the ſaid Atturnies from henceforth, in Abſence of their Maſters, may anſwer for them, and make other Atturnies under them, before any Judge of the Realm, to do and receive in the ſaid Caſe as much as in any other Caſe or Matter, notwithſtanding any Statute made to the contrary heretofore.'

ITEM es briefs de premunire fac' eſt aſſentuz & accordez qe ceux vers queux tielx briefs ſont portez & qi ſont de preſent hors de Roialme & ſont de bone fame & aient faitz lour generalx attournes devant lour departir qe le Chaunceller dEngleterre pur le temps eſteant par ladvis des Juſtices purra grantir qe meſmes les perſones purront apparoir & reſpondre & faire & reſceivre ce qe la ley demande par lour generalx attournies avantditz ſi avant come es autre cas & quereles. Et ceux perſones qe deſore enavant paſſeront par licence noſtre Seignur le Roi & ſoient auxint de bone fame qe a lour requeſte le dit Chaunceller par ladvis des Juſtices lour purra grantier de fair lour generalx attournes en la Chancellerie par patent du Roi devant lour paſſer a reſpondre ſibien es ditz briefs de premunire fac' come en autres quereles en quel cas toutes voies ſoit expreſſe mention faite des briefs & quereles de premunire fac'. Et celle patente enſi faite purront deſlors les ditz attournes en abſence de lour meiſtres reſpondre pur eux & autres attournes deſouz eux faire devant quelconqe Juge du Roialme & faire & reſceivre el dit cas ſi avant come en null autre cas nient contreſteant aſcun eſtatut fait à contrarie avant ces heures.

20 H. 3. c. 10. 13 Ed. 1. ſt 1. c. 10.

39 Ed. 3. f. 7.

See further 15 H. 6. c. 7.

CAP.

CAP. XV.

A Confirmation of certain Statutes made againſt Maintenance and Champerty.

Ex Rot. in Turr. Lond.

ITEM ſur la grevouſe pleinte qeſt fait des meyntenours des quereles & chaumpartours eſt ordeignez & aſſentuz qe leſtatutz ent faitz en les ans du regne le Roi EDWARD aiel noſtre dit Seignur le Roi primer & quart & auxint en lan de noſtre Seignur le Roi qore eſt primer ſoient tenuz & gardez & duement executz en toutz pointz.

"ITEM, For the grievous Complaint that is made of Maintainers of Quarrels, and Champertors;" it is ordained and aſſented, That the Statutes thereof made in the firſt and fourth Years of King EDWARD, Grandfather to our Lord the King that now is, and alſo in the firſt Year of our Lord the King that now is, ſhall be holden and kept, and duly executed in all Points.'

3 *Ed.* 1. *c.* 28 33. 13 *Ed.* 1. *ſtat.* 1. *c.* 49. 28 *Ed.* 1. *ſtat.* 3. *c.* 11, 20. 33 *Ed.* 1. *ſtat.* 3. 1 Ed. 3. ſtat. 2. c. 14. 4 Ed. 3. c. 11. 20 *Ed.* 3. *c.* 4. 1 R. 2. c. 4. 1 R. 2. *c.* 7. *And ſee* 32 *H.* 8. *c.* 9. *which farther enforces the Statutes againſt Maintenance, &c.*

CAP. XVI.

No Armour or Victual ſhall be ſent into *Scotland* without the King's Licence, upon Pain of Forfeiture thereof.

Rep. 4 Jac. 1. c. 1. *Explained by* 15 R. 2. c. 7.

CAP. XVII.

The Mainpernors ſhall ſatisfy the Plaintiff for his Delay, where the Defendant keepeth not his Day.

EXP. Fitz. Exigent, 9.

Conſimilia mandata Regis diriguntur ſingulis vicecomitibus per Angliam ſub eadem data.

Statutes made at Weſtminſter, Anno 8 RICH. II. *and* Anno Dom. 1384.

Ex Rot. in Turr. Lond. *m.* 18.

AD honorem Dei & requiſitionem communitatis regni Anglie factam domino Regi in parliamento ſuo tento apud Weſtm' in craſtino Sancto Martini anno Regni ſui octavo idem dominus Rex de aſſenſu Prelatorum Magnatum & communitatis predicte quoddam ſtatutum in eodem parliamento pro communi utilitate dicti regni & preſertim pro bona & juſta gubernatione ac debita executione communis legis fieri fecit in forma ſubſequenti.

"TO the Honour of God, and at the Requeſt of the Commonalty of the Realm of *England*, made to our Lord the King in his Parliament holden at *Weſtminſter* in the *Morrow* of St. *Martin*, the eighth Year of his Reign; the ſame our Lord the King, with the Aſſent of the Prelates, great Men and Commons aforeſaid, hath cauſed to be made in the ſame Parliament, a certain Statute for the common Profit of the ſaid Realm, and eſpecially for the good and juſt Governance, and due Execution of the common Law in the Form following."

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed.

IN primis concordatum eſt & ſtatutum quod ſancta eccleſia habeat omnes libertates ſuas & quod Magna Carta & Carta de Foreſta ſtatuta de proviſoribus & laboratoribus & omnia alia ſtatuta & ordinationes ante hec tempora edita & minime revocata teneantur obſerventur & executioni debite demandentur juxta formam & effectum eorundem.

'FIRST, it is ordained and enacted, That holy Church have all her Liberties; and that the great Charter and the Charter of the Foreſt, the Statutes of Purveyors and Labourers, and all other Statutes and Ordinances heretofore made and not repealed, ſhall be holden and obſerved, and put in due Execution, according to the Form and Effect of the ſame.'

CAP. II.

No Man of Law ſhall be Juſtice of Aſſize, or Gaol-delivery, in his own Country.

ITEM concordatum eſt & ſtatutum quod nullus homo de legè ſit decetero Juſtitiarius aſſiſarum vel communis deliberationis gaolarum in propria patria ſua & quod capitalis Juſtitiarius de communi Banco aſſignetur inter alios ad hujuſmodi aſſiſas capiendas & ad gaolas deliberandas. Set quoad capitalem Juſtitiarium de Banco Regis fiat ſicut pro majori parte centum annorum proxime preteritorum fieri conſuevit.

'ITEM, it is ordained and aſſented, That no Man of Law ſhall be from henceforth Juſtice of Aſſiſes, or of the common Deliverance of Gaols in his own Country; and that the chief Juſtice of the Common Bench be aſſigned amongſt other to take ſuch Aſſizes and deliver Gaols. But as to the Chief Juſtice of the King's Bench, it ſhall be as for the moſt Part of an hundred Years laſt paſt was wont to be done.'

Confirmed by 13 H. 4. c. 2. 33 H. 8. c. 24. *Explained and amended by* 12 Geo. 2. c. 27.

CAP. III.

In Turr. Lond.

Repeal'd by 9 R. 2. c. 1.

None of the Juſtices or Barons ſhall take any Fee or Reward but of the King, nor ſhall give Counſel where the King is Party, or in any Suit depending before them.

CAP. IV.

The Penalty if a Judge or Clerk make a falſe Entry, raſe a Roll, or change a Verdict.

14 Ed. 3. ſtat. 1. c. 6.

" ITEM, At the Complaint of the ſaid Commonalty made to our Lord the King in the Parliament, for that great Diſheriſon in Times paſt was done of the People, and may be done by the falſe entring of Pleas, raſing of Rolls, and changing of Verdicts;" ' it is accorded and aſſented, That ' if any Judge or Clerk be of ſuch Default (ſo that by ' the ſame Default there enſueth Diſheriſon of any of ' the Parties) ſufficiently convict before the King and ' his Council, by the Manner and Form which to the ' ſame our Lord the King and his Council ſhall ſeem ' reaſonable, and within two Years after ſuch Default ' made, if the Party grieved be of full Age, and if he ' be within Age, then within two Years after that he ' ſhall come to his full Age, he ſhall be puniſhed by ' Fine and Ranſom at the King's Will, and ſatisfy the ' Party. And as to the Reſtitution of the Inheritance deſired by the ſaid Commons, the Party grieved ſhall ſue by Writ of Error, or otherwiſe, according to the Law, if he ſee it expedient for him.'

What Defaults may be amended, and what not, ſee Index, tit. Amendment, Jeofails, Records.

ITEM ad querimoniam dicte communitatis factam domino Regi in parliamento de eo quod magna exheredatio retroactis temporibus pluribus de populo facta extitit & fieri poterit per falſam intrationem placitorum raſuras rotulorum & mutationem veredictorum concordatum eſt & ſtatutum quod ſi aliquis judex vel clericus de hujuſmodi defectu dummodo per defectum illum exheredatio alterius partium ſubſequatur ſufficienter convincatur coram Rege & conſilio ſuo per modum & formam quos idem dominus Rex & concilium ſuum tunc viderint fore rationabiles infra duos annos poſt defectum hujuſmodi factum ſi pars gravata ſit plene etatis & ſi infra etatem fuerit tunc infra duos annos poſtquam ad plenam etatem pervenerit puniatur per finem & redemptionem ad voluntatem Regis & ſatisfaciat parti. Et quoad reſtitutionem hereditatis per dictam communitatem petitam ſequatur pars gravata per breve de errore vel alias juxta legem ſi ſibi viderit expedire.

CAP. V.

What Suit ſhall be diſcuſſed before the Conſtable and Marſhal of *England*.*

28 Ed. 1. ſtat. 3. c. 3. 18 Ed. 3. ſtat. 2. c. 7.

" AND becauſe divers Pleas concerning the Common Law, and which by the Common Law ought to be examined and diſcuſſed, are of late drawn before the Conſtable and Marſhal of *England*, to the great Damage and Diſquietneſs of the People;" ' it is agreed and ordained, That all Pleas and Suits ' touching the Common Law, and which ought to be ' examined and diſcuſſed at the Common Law, ſhall ' not hereafter be drawn or holden by any Means before the foreſaid Conſtable and Marſhal, but that the ' Court of the ſame Conſtable and Marſhal ſhall have ' that which belongeth to the ſame Court, and that the ' Common Law ſhall be executed and uſed, and have ' that which to it belongeth, and the ſame ſhall be ' executed and uſed as it was accuſtomed to be uſed in ' the Time of King EDWARD.'

Explained and amended by 13 R. 2. ſtat. 1. c. 2. 15 H. 6. c. 1. 33 H. 8. c. 12.

ITEM pro eo quod diverſa placita communem legem tangentia & que per communem legem deduci & diſcuti deberent trahuntur jam de novo coram Conſtabulario & Mareſcallo Anglie ad grave dampnum & inquietationem populi concordatum eſt & ſtatutum quod omnia placita & querele communem legem terre tangentia & que per communem legem deduci & diſcuti debeant non trahantur nec teneantur decetero coram prefatis Conſtabulario & Mareſcallo quoquo modo ſet quod curia ipſorum Conſtabularii & Mareſcalli habeat id quod ad dictam Curiam pertinet & quod lex communis habeat id quod ad ipſam pertinet ac fiat & uſitetur prout temporibus progenitorum domini Regis fieri & uſitari conſuevit.

De proclamando ſtatutum predictum.

REX vicecomiti Lincoln' ſalutem. Quoddam ſtatutum per nos de aſſenſu Prelatorum Magnatum & communitatis regni noſtri Anglie in ultimo parliamento noſtro apud Weſtm' tento pro communi utilitate dicti regni noſtri editum tibi mittimus preſentibus intercluſum mandantes & firmiter precipientes quod ſtatim viſis preſentibus ac ſtatuto predicto ſtatutum illud in pleno comitatu tuo ac in civitatibus burgis villis mercatoriis & aliis locis in balliva tua ubi melius expedire videris publice legi & proclamari facias ac quantum in te eſt firmiter obſervari.

T. R. apud Weſtm' xiiii. die Junii anno regni noſtri octavo.

Conſimilia brevia diriguntur ſingulis vicecomitibus Anglie.

* This Chapter was firſt publiſhed by Pulton.

Statutes made at Weſtminſter, Anno 9 RICH. II. *and* Anno Dom. 1385.

Ex Rot. in Turr. Lond. *m.* 17.

NOSTRE Seignur le Roi a ſon parlement tenuz a Weſtm' le vendredy proſchein apres le feſte de ſeint Luc lan de ſon regne noefiſme ſi ad del aſſent des Prelatz Duks Markys Conts Barons & communes au dit parlement aſſemblez ordenez & eſtabliz les choſes deſoutz eſcriptz.

" OUR Lord the King, at his Parliament holden at *Weſtminſter* the *Friday* next after the Feaſt of Saint *Luke*, the ninth Year of his Reign, of the Aſſent of the Prelates, Dukes, Marqueſſes, Earls, Barons, and Commons at the ſaid Parliament aſſembled, hath ordained and eſtabliſhed the Things under-written." 4 Inſt. 51.

CAP. I.

A Confirmation of all Statutes not repealed, ſaving of the Statute of 8 RICH. II. *c.* 3.

EN primes accordez eſt & aſſentuz qe touz les eſtatuz faitz par parlement en temps de les nobles progenitours noſtre Seignur le Roi qore eſt & en ſon temps demeſne ſibien des viſcontz ſouthviſcontz eſchetours & clers des viſcontz come des purveours & tous autres bones eſtatutz & ordenances nient repellez par parlement ſoient fermement tenuz & gardez & due Execution ent fait ſolonc leffecte dicelles forſpris leſtatut des Juſtices & Barons de leſcheqer fait en darrein parlement le quele a cauſe qil eſt trop dure & emboſoigne declaration le Roi voet qil ſoit de nulle forçe tanqe ſoit declarez par parlement.

' FIRST, it is accorded and aſſented, That all the Statutes made by the Parliament in the Times of the King's noble Progenitors, and in his own Time, as well of Sheriffs, Under-Sheriffs, Eſcheators, and Clerks of Sheriffs, as of Purveyors, and all other good Statutes and Ordinances not repealed by Parliament, ſhall be firmly holden and kept, and due Execution thereof done, according to the Effect of the ſame, except the Statute of the Juſtices and Barons of the Exchequer made at the laſt Parliament, which becauſe it is very hard, and needeth Declaration, the King will that it be of no Force till it be declared by Parliament.'

CAP. II.

Villains flying into Places enfranchiſed, and ſuing their Lords, ſhall not bar thereby. OBS.

CAP. III.

A Writ of Error or Attaint maintainable by him in the Reverſion.

ITEM accordez eſt & aſſentuz qe ſi tenant a terme de vie tenant en dower tenant par ley dEngleterre ou tenant en la taille apres poſſibilite de iſſue eſteint ſoient empledez & pledent al enqueſt & perdont par ſerement de duſze ou qils perdont par defaute ou en autre manere qe celluy a qi la reverſion de tenementz enſy perduz appendoit a temps de tiel Jugement rendu ſes heirs ou ſucceſſours eient action par brief dattaindre le dit ſerement ſils voillent aſſigner meſme le ſerement eſtre falx & auxint par brief derrour ſi errour y ſoit trove en le record de tiel jugement ſibien en la vie des dits tenantz qenſy perdont come apres lour mort & ſi tiel jugement erroyne ſoit reverſe ou tiel faulx ſerement ſoit trove qe le tenant qi perdi par le primer jugement ſil ſoit en vie ſoit reſtitut a la poſſeſſion des tenementz enſy perduz ove les iſſues en le meſne temps & le partie purſuant a les arrerages de la rente ſi aſcun a luy ſoit due de meſmes les tenementz. Et ſi tiel tenant ſoit mort a temps del jugement rendu ſur tielx briefs datteynt & derrour qe reſtitution de tielx tenementz ſoit fait a la partie purſuant ove les iſſues puis la mort del tenant ſuiſdit enſemblement ove les arrerages del rent ſi aſcun a luy fuiſt due en la vie de tiel tenant.

' ITEM it is accorded and aſſented, That if the Tenant for Term of Life, Tenant in Dower, Tenant by the Courteſy of *England*, or Tenant in Tail after Poſſibility of Iſſue extinct, be impleaded, and plead to an Inqueſt, and loſe by the Oath of Twelve, or by Default, or in other Manner, that he to whom the Reverſion of the Tenements ſo loſt doth appertain at the Time of ſuch Judgement given, his Heirs or Succeſſors, ſhall have an Action by Writ of Attaint, to attaint the ſame Oath, if they will aſſign the ſame Oath to be falſe, and alſo by Writ of Error, if Error be found in the Record of ſuch Judgement, as well in the Life of ſuch Tenants that ſo do loſe, as after their Death. And if ſuch Judgment erroneous be reverſed, or ſuch falſe Oath be found, that the Tenant which did loſe by the firſt Judgement, if he be in Life, ſhall be reſtored to his Poſſeſſion of the Tenements ſo loſt, with the Iſſues in the mean Time, and the Party purſuing, to the Arrearages of the Rent, if any be due of the ſame Tenements. And if ſuch Tenant be dead at the Time of the Judgement given upon ſuch Writs of Attaint and of Error, that Reſtitution of the ſaid Tenements be made to the Party purſuing, with the Iſſues after the Death of the ſaid Tenant, together with the Arrearages of the Rent, if any to him were due in the Life of the ſaid Tenant.

He in the Reverſion ſhall have an Attaint or Writ of Error upon a falſe Verdict found, or an erroneous Judgment given againſt the particular Tenant. 2 Bulſtr. 247. 3 *Ed.* 1. *c.* 38. 1 *Ed.* 3. *ſtat.* 1. *c.* 6. 5 *Ed.* 3. *c.* 6 & 7. 28 *Ed.* 3. *c.* 8. 34 *Ed.* 3. *c.* 7.

He in the Reverſion alledgeth that the particular Tenant was of Covin with the Demandant.

'II. Provided nevertheleſs, that although the Tenant which ſo did loſe by the firſt Judgement be in Life, and the Party purſuing will alledge that the ſame Tenant was of Covin, and of Aſſent of the Demandant which recovered, that ſuch Tenements ought to be loſt, that Reſtitution of the ſame Tenements be made to the ſame Party purſuing, with the Iſſues and Arrearages, as afore is ſaid, ſaving to ſuch Tenant his Action by Writ of *Scire facias*, out of the ſame Judgement ſo reverſed or given, or Writ of Attaint, if he will traverſe the Covin and Aſſent aforeſaid, and otherwiſe not. And that this Statute hold Place of Judgements to be given in Time to come, and alſo of two Judgements late given in the King's Bench, in two Pleas of Error, the one betwixt *Edmund Frances* and *Ideyn* his Wife, Demandants, and *Robert Weſtby* and other Tenants of certain Tenements in *Oxenford*, and in the Suburbs of the ſame Town, and the other betwixt the ſaid *Edmund* and *Ideyn* Demandants, and *Richard Cornwall* and *Iſabel* his Wife, and others Tenants, of certain Tenements in the ſame Town, of which Tenements the Reverſion at the Time of the ſaid two Judgements given did pertain to the Maſter and Scholars of the College of the *Univerſity Hall* in *Oxenford*, as it is ſaid, ſo that the Maſter and Scholars may have and do their Suit by Writ of Attaint or of Error of the ſame Judgements, as to them beſt ſhall ſeem, according to the Form of this Statute.'

The particular Tenants Remedy to traverſe the Covin.

See 11 *H.* 6. *c.* 4. 15 *H.* 6. *c.* 5. 18 *H.* 6. *c.* 2. 11 *H.* 7. *c.* 21, 24. 19 *H.* 7. *c.* 3. 23 H. 8. c. 3. *and* 37 *H.* 8. *c.* 5. *for farther Regulations and Extenſions of Attaints.*

Ex Rot. in Turr. Lond.

Purveu ne pur qant coment qe le tenant qenſy perdi par le primer jugement ſoit en vie & le partie purſuant voille alleger qe meſme le tenant fuiſt de covine & aſſent del demandant qe recovery qe tielx tenementz deuſſent eſtre perduz qe reſtitution de meſmes les tenementez ſoit fait a meſme la partie purſuant ove les iſſues & arrerages come devant eſt dit ſavant a tiel tenant action par ſcire facias hors de meſme le jugement enſy reverſe ou rendu en le brief datainte ſil voille traverſer les covyne & aſſent avantditz & autrement nient. Et qe ceſte eſtatut tiegne lieu des jugementz a rendre en temps avenir & auxint de deux jugementez nadgairs renduz en Bank le Roy en deux plees derrour lun entre Edmund Franceys & Idoine ſa femme demandantz & Robert de Weſtby & autres tenantz de certains tenementz en Oxenford & le ſuburbe de meſme la ville & lautre entre les ditz Edmond & Idoine demandantz & Richard Cornewayle & Iſabell ſa femme & autres tenantz de certeins tenementz en meſme la ville des queux tenementz le reverſion appendoit au temps des ditz deux jugementz renduz as maiſtre & eſcolers del college de la Sale del Univerſite dOxenford a ce qeſt dit & qe les ditz maiſtre & eſcolers poont avoir & faire lour ſuite par brief dateinte ou derrour de meſme les jugementz come meultz lour ſemblera ſolonc la fourme de ceſt eſtatut.

CAP. IV.

OBS. Whether a Prior be datiff and removeable, or perpetual, the Trial ſhall be by the Ordinary.

CAP. V.

The Fees of Prieſts taken in the Marſhalſy of the King's Houſe.

'ITEM, For the Reverence of God, and of holy Church, it is accorded and eſtabliſhed, That Prieſts and other People of holy Church, taken in the Marſhalſy of the King's Houſe, ſhall pay ſuch Fees as Lay-people pay, reaſonably, and no more.

See 2 *H.* 4. *c.* 23. *for the Fees of the Marſhal.*

ITEM a la reverence de Dieu & ſeint eſgliſe accordez eſt & eſtabli qe preſtres & autres gentz de ſeint eſgliſe pris en la marchalcie de hoſtel noſtre Seignur le Roy paient tielx fees come les lais gentz reſonablement paient & nient pluis.

A Statute made Anno 10 Rich. II. *and* Anno Dom. 1386.

CAP. I.

The King's Commiſſion to the Chancellor and others to examine into the State of his Courts, Revenues, Grants, and Officers Fees. *See Appendix.*

Statutes made at Weſtminſter, Anno 11 Rich. II. *and* Anno Dom. 1387.

Ex Rot. in Turr. Lond. *m.* 16.

"OUR Lord the King heartily deſiring that the Peace of his Land be well holden and kept, and his faithful Subjects nouriſhed and governed in Quietneſs and Tranquillity in all Parts

NOSTRE redoute Seignur le Roy deſirant moult entierement de coer qe la pees de ſa terre ſoit bien tenuz & gardez & ſes foialx lieges & ſubgitz nurrez & governez en quiete & tranquillitte

Ex Rot. in Turr. Lond.

tranquillitte toutz parts deinz ſon Roialme ſi ad al honure de Dieu & pur les cauſes ſuiſditz de laſſent des Seignurs & communes de ſon Roialme aſſemblez a ſon parlement tenuz a Weſtm' lendemain de la Purification de noſtre Dame lan de ſon regne unziſme fait & eſtabli certeins eſtatutz & ordinances & auxint grantez & ottroiez certeins graces & pardonz en la fourme deſoutz eſcripts.

" within his Realm of *England*, to the Honour of " God, and for the Cauſes aforeſaid, by the Aſſent of " the Lords and Commons of his Realm of *England* " aſſembled at his Parliament holden at *Weſtminſter* " the Morrow of the Purification of our Lady, the " eleventh Year of his Reign, doth make and eſtabliſh " certain Statutes, and alſo doth grant certain Graces " and Pardons in the Form underwritten.

CAP. I.

The Archbiſhop of *York* and others attainted of High Treaſon. *See Appendix.*

CAP. II.

Clauſe to prevent fraudulent Conveyances of their Eſtates. *See Appendix.*

CAP. III.

The Eſtates of the Biſhop of *Chicheſter* and others alſo forfeited. *See Appendix.*

CAP. IV.

The Penalty of concealing any Part of the ſaid Eſtates after Proclamation made. Eſtates poſſeſſed by a Traitor in another's Right excepted. *See Appendix.*

CAP. V.

Iſſues in Tail, and Jointures of Women, alſo excepted. *See Appendix.*

CAP. VI.

Penalty of petitioning the King for any Grant of the ſaid Eſtates during the War. *See Appendix.*

CAP. VII.

All Merchants Aliens and Denizens may buy and ſell within this Realm without Interruption.

ITEM come par eſtatut fait a Everwyk lan du regne le Roy EDWARD tierce laiel noſtre Seignur le Roy qoreſt noeſiſme ordeignez feuſt & eſtabliz qe toutz merchantz aliens & denzeins & toutz autres & cheſcun de eux de quel eſtat ou condition qils ſoient qi achatre ou vendre veullent blees vins avoir de poiis chares peſſon & toutz autre vivres & vitailles leins draps merces merchandiſes & tout manere dautres choſes vendables de qele part qils viegnent par foreins ou par denzeins a quel lieu qi ce ſoit ſoit il citee burgh ville port du meer feir marchee ou autre lieu deinz meſme le Roialme deinz franchiſe ou dehors les puiſſent franchement & ſanz diſtourber vendre a qi qe lour pleſt auxibien as foreins come as denzeins forſpris les enemys de noſtre Seignur le Roi & de ſon Roialme. Et ſi par cas deſtourbance ſoite fait a null merchant alien ou deinzein ou autre ſur la vente des tieles choſes en citee burgh ville port de meer ou autre lieu qe franchiſe eit & les mair baillifs ou autres qont garde de la dite franchiſe requis par les ditz merchantz ou autre dent faire remede & il ne le face & de ce ſoit atteint ſoit la franchiſe pris en la mayne le Roy & nientmeyns ſoit tenuz lui & les autres qi averont fait celle diſtourbance contre ceſt eſtatut de rendre & reſtorer au dit merchant ſes damages qil avera ſuffert par celle enchaiſone au double. Et ſi tielle deſtourbance ſoit faite as tielx merchantz ou as autres es villes ou lieux ou franchiſe neſt & le Seignur ſil ſoit preſent ou ſon baillif coneſtable ou

" ITEM, Whereas by a Statute made at *York*, the ninth Year of King EDW. 3. Grandfather of the King that now is, it was ordained and eſtabliſhed, That all Merchants, Aliens and Denizens, and all other and every of them, of what Eſtate and Condition they be, which will buy or ſell Corn, Wine, *Avoir du pois*, Fleſh, Fiſh, and all other Victuals, Wool, Cloths, Wares, Merchandiſes, and all other Things vendible, from whenceſoever they come, by Foreigners or by Denizens, to what Place that it be, be it City, Borough, Town, Port of the Sea, Fair, Market, or other Place within the ſame Realm, within Franchiſe or without, may freely, and without Diſturbance ſell the ſame to whom pleaſe them, as well to Foreigners as Denizens, except to the Enemies of the King and of his Realm. And if percaſe Diſturbance be done to any Merchant, Alien or Denizen, or other, upon the Sale of ſuch Things in City, Borough, Town, Port of the Sea, or other Place which hath a Franchiſe, and the Mayor, Bailiffs, or other, that having the Keeping of the ſaid Franchiſe be required, by the ſaid Merchants or other, thereof to make Remedy, and do not, and thereof be attainted, the Franchiſe ſhall be taken into the King's Hand; and nevertheleſs, he and other which have done this Diſturbance againſt this Statute, ſhall be bound to yield and reſtore to the ſaid Merchant his double Damages, which he hath ſuſtained by this Occaſion. And if ſuch Diſturbance be done to ſuch Merchant, or to other, in Towns and Places where no Franchiſe is, and the Lord, if he be preſent, or his Bailiff, Conſtable,

9 Ed. 3. ſtat. 2. c. 1.
14 *Ed.* 3. *ſtat.* 1. c. 2.
9 H. 3. ſtat. c. 30.

What Penalty ſhall be inflicted upon them which do diſturb Merchant to ſell their Commodities.

Ex Rot. in Turr. Lond.

" Conſtable, or other Warden of the ſaid Towns and " Places, in Abſence of the Lords thereof, required " to do Right, do not, and thereof be attainted, they " ſhall yield to the Plaintiff his double Damages, as " afore is ſaid; and the Diſturbers in the one Caſe " and the other, as well within Franchiſe as without, " if they be attainted, ſhall have Impriſonment of one " Year, and nevertheleſs be ranſomed at the King's " Will. And that no Alien nor Denizen upon the " ſame Pains be diſturbed, but that he may freely " buy the Things above named in the Places afore- " ſaid, and carry the ſame where pleaſeth him to his " own Uſe, or to the Profit of the King, the great " Men and the People of the Realm, except that the " Merchants Aliens ſhall carry no Wines out of the " Realm, as is contained in their Charter; and that " the ſaid Things be holden, kept, and performed in " every City, Borough, Town, Port of the Sea, and " other Places within the ſaid Realm, notwithſtand- " ing any Charters of Franchiſe to them granted " to the contrary, nor Uſage, Cuſtom, nor Judge- " ments given upon their Charters, Uſages, nor Cuſ- " toms which they can alledge; which Charters, " Uſages and Cuſtoms (if any there were) the ſaid " King the Grandfather, the Prelates, Earls, Barons, " and Great Men and Commons aforeſaid, do hold of " no Force, as Things granted, uſed, and accuſtomed " to the Damage of the King, the Prelates, Earls, " Barons, and Great Men of his Realm, and Oppreſ- " ſion of the Commons.

Merchants Aliens ſhall carry no Wine out of the Realm.

" II. Saving always to the King, and to other, the " Cuſtoms due of the ſaid Merchandiſes. And alſo " that the Chancellor, Treaſurer, and Juſtices aſſign- " ed to hold the Pleas of the King in Places where " they come, ſhall inquire of ſuch Diſturbances and " Grievances, and puniſh according as is before or- " dained. And nevertheleſs, the King ſhall cauſe to " be aſſigned by Commiſſion under the Great Seal, " certain People, where and when it ſhall pleaſe " him, to enquire of ſuch Diſturbances and Griev- " ances, and to execute Puniſhment as aforeſaid. " And after by a Statute made at a Parliament holden " at *Weſtminſter* the xxv. Year of King EDWARD " the Third, it was ordained by the ſame King ED- " WARD the Grandfather, Prelates, Earls, Barons, and " all other Great Men and Commons, That the ſaid " Statute made the ſaid ix. Year, in all Points and Ar- " ticles contained in the ſame, ſhall be holden, kept, " and maintained. And if any Charter, Letters Pa- " tents, Proclamation, or Commandment, Uſage, Al- " lowance, or Judgment were made to the contrary, " the ſame ſhould be utterly repealed, avoided, and " holden for none. And moreover that every Mer- " chant or other, of what Condition that he be, as " well Alien as Denizen, which ſhall bring Wines, " Fleſh, Fiſh, or other Victuals, Cloths, Fells, or " *Avoir du pois*, or any other Wares or Merchan- " diſes to the City of *London*, or to other Cities, Bo- " roughs, or good Towns of *England*, or Port of the " Sea, may freely and without Challenge or Impeach- " ment of any, ſell them in Groſs, or at Retale, or by " Parcels at his Will, to all manner of People that will " buy the ſame, notwithſtanding any Grant, Fran- " chiſe, or Cuſtom uſed, or any other Manner of Thing " done to the contrary, ſince that ſuch Franchiſes and " Uſages be in common Prejudice of the King, and " of all his People. And that no Mayor, Bailiff,

A Reſervation of Cuſtoms.

Who may inquire of and puniſh the ſaid Offences.

25 Ed. 3 ſtat. 4. c. 2.

Merchants may ſell their Wares in Groſs, or by Retale, notwithſtanding any Grant or Cuſtom.

2 R. 2. ſtat. 1. c. 1.

autre gardein des ditz villes & lieux en abſence des Seignurs ent requis de faire droit ne le facent & de ce ſoient atteintz rendent les damages au pleintif au double auxi come deſuis eſt dit & les deſtourbers en lun cas & en lautre auxibien deinz franchiſes come dehors ſils ſoient atteintz eient la priſon dun an & jademeins ſoient reintz a la volente le Roi. Et qe null alien ne deinzein ſur meſmes les peins ſoit deſtourbe qil ne puiſſe franchement achatre les choſes ſuſnomez es lieux ſuſditz & carier la ou luy plerra a ſon oeps demeſne ou al profit du Roi & des grantz & du poeple du dit roialme forſpris qe les merchantz aliens ne ameſnent vins hors de meſme le Roialme come eſt contenu en lour chartre & qe les ditz choſes ſoient tenuz gardez & perfournez en cheſcun citee burgh ville port du meer & autre lieu deinz le dit Roialme nient contreeſteant chartre de franchiſe a eux grantee a contraire ne uſage ne cuſtume ou juggementz renduz ſur leur chartres uſages ne cuſtumes qe eux purront alegger les queux chartres uſages & cuſtumes ſi nulles ſoient le dit Roi laiel Prelates Contes Barons & Grantz & Communaltees avantditz tiegnent de null force come choſes grantez uſez ou acuſtumez au damage du Roy Prelatz Contes Barons & grantz de ſon Roialme & oppreſſion de ſon poeple.

Sauvez toutesfoitz au Roy & as autres les cuſtumes duez des ditz merchandiſes. Et auxint qe le Chanceller Treſorer & Juſtices aſſignez a tenir les plees le Roy es lieux ou ils veignent enquergent des tieles deſtourbances & grevances & facent puniſſement ſelonc ce qeſt avant ordeignez. Et nientmeyns qe le Roy face aſſigner par commiſſion de ſon grant ſeal certeins gentz ou & qant luy plerra denquer des tieles diſtourbances & grevances & de faire puniſſement come deſuis & dit. Et puis par eſtatut fait en parlement tenuz a Weſtm' lan vint & quint du regne le dit Roi EDWARD laiel accordez eſtoit par meſme le Roi EDWARD laiel prelates contes barons & toutz autres grantz & Communes en le dit parlement aſſemblez qe le dit eſtatut fait le dit an noefiſme en toutz pointz & articles contenuz en ycel ſerroit tenu garde & meyntenu & qe ſi null eſtatut chartre lettre patente proclamation ou mandement uſage allouance ou juggement feuſt fait a contrair ſerroit overtement repelle aniente & tenu pur null. Et outre ce qe cheſcun merchant ou autre de quele condition qil ſerroit auxibien alien come deinzein qi ameſneroit vins chares peſſon ou autre manere des vitailles draps peaux ou avoir de poiis ou quelconqes autres merces ou merchandiſes a la Citee de Londres ou as autres citees burghs & bones villes dEngleterre ou portz du meer les purroit franchement & ſanz chalange ou empeſchement de nully vendre en groſſe ou a retaille ou par parcelles a ſa volentee a quelconqes gentz qe les voudroient achatre nient contreeſteantz quelconqe franchiſe grante ou cuſtume uſe ou quelconqe autre manere choſe faite a contraire deſicome qe tieux franchiſes & uſages ſont en commune prejudice du Roi & de tout ſon poeple. Et qe null mair baillif cachepole miniſtre

Ex Rot. in Turr. Lond.

ne null autre ſe medleroit de la vente de null manere des vitailles vendables meſnez ou portez as citees burghs nautres villes ne foire ne marche fors ſoulement celuy a qi les vitailles ſerroient & qe proclamation ent ſe ferroit de novell en toutz les contees dEngleterre & en la Citee de Londres & es toutz autres citees burghs & bones villes & portz du meer & aillours deinz le Roialme dEngleterre ou meſtier ſerroit. Et qe le dit Roi laiel ſur ce ferroit aſſigner ſes Juſtices toutz les foitz qe lui plerroit & meſtier ſerroit denquere de toutz ceux qi vendroient ou riens ferroient a lencontre & de les punir ſelonc la peine contenue en meſme leſtatut fait le dit an noeſiſme & qe cheſcun qui vorroit ſuir devers null tiel averoit brief de la Chancellerie de luy attacher par ſon corps come deſtourbour de commune profit de luy faire ent venir a reſpons en la Courte le Roi come par meſmes les eſtatutz pleinement appiert. Noſtre Seignur le Roi veiant clerement qe les ditz eſtatutz ſils feuſſent tenuz & plenement executz ſextendent overtement al profit & bien commune de tout le Roialme Si ad ordeignez & eſtabliz par aſſent des Prelatz Ducs Contes Barons grantz Nobles & Communes en ceſt preſent parlement aſſemblez qe les ditz eſtatutz ſoient deſore enavant fermement tenuz gardez mayntenuz & pleynement executz en toutz poyntz & articles dycelles Nient contreeſteantz aſcun eſtatut ordinance chartres lettres patentes franchiſe proclamation mandement uſage allouance ou juggement fait ou uſe a contraire. Et qe ſi aſcun tiel eſtatut ordinance chartre lettres patentz franchiſe proclamation maundement uſage allouance ou juggement ſoit fait ou uſe a contraire ſoit outrement repellez anientiz & tenuz pur null.

" Catchpole, Miniſter, or other, ſhall meddle with the " Sale of any manner of Victuals vendible, carried or " brought to Cities, Boroughs, nor other Towns, nor " Fair, or Market, but only he to whom the Victuals " ſhall be. And alſo that Proclamation be thereof " made of new in all the Counties of *England*, and " in the City of *London*, and in all other Cities, Boroughs, and good Towns and Ports of the Sea, and " elſewhere within the Realm of *England*, where it " ſhall be needful. And that the ſaid King the " Grandfather ſhall thereupon cauſe to be aſſigned " his Juſtices at all Times that ſhall pleaſe him, and " ſhall be neceſſary, to enquire of all them that ſhall " ſell, or any thing do to the contrary, and to puniſh " them according to the Pain contained in the ſame " Statute made in the ſaid ninth Year. And that " every Man that will ſue againſt any, ſhall have a " Writ out of the Chancery to attach him by his Body, as a Diſturber of the common Profit, and to make " him come to Anſwer thereof in the King's Court, " as by the ſame Statutes plainly doth appear." ' Our ' Lord the King ſeeing clearly that the ſaid Statutes, ' if they were holden and fully executed, ſhould ' much extend to the Profit and Wealth of all the ' Realm, hath ordained and eſtabliſhed, by the Aſſent ' of the Prelates, Dukes, Earls, Barons, great Men, ' Nobles, and Commons in this preſent Parliament aſ-' ſembled, That the ſaid Statutes ſhall from henceforth ' be firmly holden, kept, maintained, and fully executed in all the Points and Articles of the ſame, notwithſtanding any Ordinance, Statute, Charter, Letters Patents, Franchiſe, Proclamation, Commandment, Uſage, Allowance, or Judgement made or uſed to the contrary. And that if any Statute, Ordinance, Charter, Letters Patents, Franchiſe, Proclamation, Commandment, Uſage, Allowance, or Judgement be made or uſed to the contrary, it ſhall ' be utterly repealed, avoided, and holden for none.'

The Stat. of 9 Ed. 3. ſtat. 1. c. 1. & 25 Ed. 3. ſtat. 4. c. 2. ſhall be executed in all Points, notwithſtanding any Charter, &c.

See 16 R. 2. c. 1. 5 H. 4. c. 9. 6 H. 4.

c. 4. which puts Merchants Strangers under ſome Reſtrictions. See likewiſe 12 H. 7. c. 6. concerning Merchant Adventurers.

CAP. VIII.

Certain Annuities granted by the King, his Father and Grandfather, made void.

ITEM ordeigne eſt & eſtabliz qe toutz les annuities & autres choſes donez ou grantez par noſtre Seignur le Roi ou par ſon pere ou par ſon aiel a quelconqes perſones qe ce ſoit oveſqe la clauſe, *quouſque pro ſtatu ſuo aliter duxerimus ordinandum* ſoient toutz voides et de nulle force ſi meſmes les perſones aient acceptez apres autres choſes du Roi ou de ſon pere ou de ſon aiel avantditz.

CAP. IX.

No new Impoſition ſhall be put upon Merchandiſes.

ITEM qe nulle impoſition ne charge ſoit mys ſur lains quirs ou pealx lanutz autre qe le ſubſide & cuſtume grantez au Roi en ceſt preſent parlement & ſi aſcuny ſoit ſoit repellez & adnullez come autres foitz feuſt ordeynez par eſtatut Sauvant toutdiz au Roi ſon auncien droit.'

' ITEM, That no Impoſition or Charges be put ' upon Woolls, Leather, or Woolfels, other than ' the Cuſtom and Subſidy granted to the King in this ' preſent Parliament; and if any be, the ſame ſhall be ' repealed and annulled, as it was another Time ordained by Statute; ſaving always unto the King his ' ancient Right.'

45 Ed. 3. c. 4.

CAP.

CAP. X.

The King's Signet or Privy Seal ſhall not be ſent in Diſturbance of the Law.

Cro. El. 417.
1 Anderſ. 158.

'ITEM it is ordained and eſtabliſhed, That neither Letters of the Signet, nor of the King's Privy Seal, ſhall be from henceforth ſent in Damage or Prejudice of the Realm, nor in Diſturbance of the Law.'

9 H. 3. ſtat. 1. c. 29.
2 Ed. 3. c. 8.

Ex Rot in Turr. Lond.

ITEM ordeyne eſt & eſtably qe lettres de Signet ne du Secre ſeal noſtre Seignur le Roi ne ſoient deſormes envoiez en damage ne prejudice de Roialme nen deſtourbance de la loye.

5 *Ed.* 3. *c.* 9. *Juſtices of the Peace*; 14 *Ed.* 3. *ſtat.* 1. *c.* 14. 25 *Ed.* 3. *ſtat.* 5. *c.* 4. 28 *Ed.* 3. *c.* 3. 42 *Ed.* 3. *c.* 3. *See farther* 4 *H.* 7. *c.* 12. *giving Directions to* 16 *Car.* 1. *c.* 10. *for regulating the Privy Council and taking away the Star Chamber.*

CAP. XI.

The keeping of Aſſiſes in good Towns, referred to the Conſideration of the Chancellor and Juſtices, &c.

9 *H.* 3. *ſtat.* 1. *c.* 12. 13 *Ed.* 1. *ſtat.* 1. *c.* 30. 6 R. 2. c. 5.

"ITEM, Whereas late in a Statute made at *Weſtminſter*, the ſixth Year of the King's Reign that now is, amongſt other Things it was ordained, and accorded, That the Juſtices aſſigned and to be aſſigned, to take Aſſizes, and deliver Gaols, ſhould hold their Seſſions in the chief and principal Towns of every County, that is to ſay, where the Shire-Courts of the ſame Counties be or hereafter ſhall be holden;" 'our Lord the King conſidering how the ſaid Statute is in Part prejudicial and grievous to the People of divers Counties of *England*, will and grant of the Aſſent aforeſaid, at the Requeſt of the ſaid Commons, That the Chancellor of *England* for the Time being, ſhall have Power thereof to make and provide Remedy by Advice of the Juſtices from time to time, when Need ſhall be, notwithſtanding the ſaid Statute.'

See 14 *H.* 6. *c.* 3. *with regard to the County of Cumberland.*

ITEM come nadgairs en leſtatut fait a Weſtm' lan du regne noſtre dit Seignur le Roi ſiſme entre autres choſes ordeynez ſoit & accordez qe Juſtices aſſignes & aſſigners as aſſiſes prendre & gaoles deliverer tendroient leur ſeſſions en les principalx & chiefs villes de cheſcun contee ceſtaſſavoir la ou le contee de meſmes les contees ſoit ou en apres ferroit tenuz noſtre Seignur le Roi conſiderant coment le dit eſtatut ſi eſt en partie damageous & grevous as gentz du pluſours contees dEngleterre Voet & grante de laſſent ſuſdit al requeſt des ditz Communes qe le Chanceller dEngleterre pur le temps eſteant ait poair dent mettre & faire remede par advys des juſtices de temps en temps qant meſtier ſerra Nient contreeſteant leſtatut avantdit.

Et memorand' quod proclamatio iſtius ſtatuti facta fuit in ſingulis comitatibus Anglie.

Statutes made at Cambridge, Anno 12 RICH. II. *and* Anno Dom. 1388.

"FOR the common Profit and univerſal Wealth of all the Realm of *England*, our Lord the King at his Parliament holden at *Canterbury* the Morrow after the Nativity of our Lady, the Twelfth Year of his Reign, by the Aſſent of the Lords and Commons there aſſembled, hath made certain Statutes and Ordinances in the Form following."

Ex Rot. in Turr. Lond. *m.* 13.

PUR commune profit & univerſel bien de tout le Roialme noſtre Seignur le Roi a ſon parlement tenuz a Cantebr' landemayn de la nativite de noſtre dame lan de ſon regne douziſme del aſſent des Seignurs & Communes illoeqs aſſemblez ad fait certeins eſtatutz & ordenances en la forme qenſuit.

CAP. I.

A Confirmation of the Liberties of the Church, and of all former Statutes not repealed.

'FIrſt, It is accorded and aſſented, That holy Church have all her Liberties and Franchiſes; and that the great Charter, and the Charter of the Foreſt, and all other Statutes and Ordinances made in Times paſt, and not repealed, ſhall be duly holden, and firmly kept.'

PRimerment accordez eſt & aſſentuz qe ſeinte eſgliſe eit toutes ſes libertees & franchiſes & qe la Grande Chartre & la Chartre de la Foreſte & touz autres eſtatutz & ordenances avant ces heures faitz & nient repellez ſoient duement tenuz & fermement gardez.

CAP. II.

None ſhall obtain Offices by Suit, or for Reward, but upon Deſert.

Ex. Rot. in Turr. Lond.

ITEM accordez eſt & aſſentuz qe le Chanceller Treſorer Gardein du prive ſeal Seneſchall del Hoſtel le Roi Chaumbreleyn du Roi Clerc des Roulles Juſtices de lun Bank & de lautre Barons de Leſcheker & toutz autres qi ſerront appellez dordeiner nomer ou faire Juſtices de la paix viſcontz eſchetours cuſtumers contrerollours ou aſcun autre officer ou miniſtre du Roi ſoient fermement jurrez & ſerementez qils nordeinent noment ne facent juſtice de la paix viſcont eſchetour cuſtumer contrerollour ne null autre officer ne miniſtre du Roi par null manere doun ne brogage favour naffection ne qe null qe purſue par luy ou par autre en prive ou en apert deſtre en aſcune manere office ſoit mys en meſme loffice ou en aſcun autre einz qils facent toutz tielx officers & miniſtres de les plus bones & loialx & les plus ſufficeantz a lour eſcience & lour conſcience.

'ITEM it is accorded, That the Chancellor, Treaſurer, Keeper of the Privy Seal, Steward of the King's Houſe, the King's Chamberlain, Clerk of the Rolls, the Juſtices of the one Bench and of the other, Barons of the Exchequer, and all other that ſhall be called to ordain, name, or make Juſtices of Peace, Sheriffs, Eſcheators, Cuſtomers, Comptrollers, or any other Officer or Miniſter of the King, ſhall be firmly ſworn, that they ſhall not ordain, name, or make Juſtice of Peace, Sheriff, Eſcheator, Cuſtomer, Comptroller, nor other Officer or Miniſter of the King, for any Gift or Brocage, Favour or Affection; nor that none which purſueth by him, or by other, privily or openly, to be in any Manner Office, ſhall be put in the ſame Office, or in any other; but that they make all ſuch Officers and Miniſters of the beſt and moſt lawful Men, and ſufficient to their Eſtimation and Knowledge.'

Enforced by 5 & 6 Ed. 6. c. 16.

CAP. III.

No Servant ſhall depart from one Hundred to another, without a Teſtimonial under the King's Seal, on pain of being ſet in the Stocks.

Rep. 5 El. c. 4. & 21 Jac. 1. c. 28.

CAP. IV.

The ſeveral Penalties for giving or taking more Wages than is limited by Statute.

Explained by St. 4 H. 5. c. 4. 4 H. 8. c. 5. Rep. 5 El. c. 4. & 21 Jac. 1. c. 28.

CAP. V.

Whoſoever ſerveth in Huſbandry until twelve Years old, ſhall ſo continue.

Rep. 5 El. c. 4. & 21 Jac. 1. c. 28.

CAP. VI.

No Servants in Huſbandry, or Labourer, ſhall wear any Sword, Buckler, or Dagger. Unlawful Games prohibited.

Rep. 21 Jac. 1. c. 28.

CAP. VII.

The Puniſhment of Beggars able to ſerve, and a Proviſion for impotent Beggars.

Rep. 1 Ed. 6. c. 3. & 21 Jac. 1. c. 28.

CAP. VIII.

Travellers reporting they have been impriſoned beyond Sea ſhall produce Teſtimonials.

Rep. 21 Jac. 1. c. 28.

CAP. IX.

The Statute of Labourers ſhall be executed within Cities and Boroughs.

Rep. 5 El. c. 4. & 21 Jac. 1. c. 28.

CAP. X.

How many Juſtices of Peace there ſhall be in every County, and how often they ſhall keep their Seſſions.

ITEM ordeignez eſt & aſſentuz qen cheſcun commiſſion des Juſtices de la paix ne ſoient aſſignez qe ſys Juſtices outre les Juſtices daſſiſes & qe les ditz ſys Juſtices tiegnent lour ſeſſions en cheſcun quartre del an au meyns & ce par trois jours ſi meſtier ſoit ſur peyne deſtre puniz ſolonc ladvys du conſeil le Roi a ſuite de cheſcun qe ſoy vorra pleindre & enquergent diligealment entre autres choſes touchantz lour offices ſi les ditz meirs baillifs ſeneſchalx & coneſtables & auxint gaolers ont duement faitz execution des ditz ordenances & eſtatutz

'ITEM it is ordained and agreed, That in every Commiſſion of the Juſtices of Peace, there ſhall be aſſigned but ſix Juſtices, with the Juſtices of Aſſiſes, and that the ſaid ſix Juſtices ſhall keep their Seſſions in every Quarter of the Year at the leaſt, and by three Days, if need be, upon pain to be puniſhed according to the Diſcretion of the King's Council, at the Suit of every Man that will complain; and they ſhall inquire diligently, amongſt other Things touching their Offices, if the ſaid Mayors, Bailiffs, Stewards, Conſtables, and Gaolers

1 *Ed.* 3. *ſtat.* 2. c. 16. 4 *Ed.* 3. c. 2. 34 *Ed.* 3. c. 1. 36 *Ed.* 3. c. 12. 12 *R.* 2. c. 10.

Ex Rot. in Turr. Lond.

'have duly done Execution of the ſaid Ordinances of 'Servants and Labourers, Beggars and Vagabonds, 'and ſhall puniſh them that be puniſhable by the ſaid 'Pain of an hundred Shillings, by the ſame Pain; and 'they that be found in Default, and which be not pu-'niſhable by the ſame Pain, ſhall be puniſhed by their 'Diſcretion. And every of the ſaid Juſtices ſhall 'take for their Wages four Shillings the Day for the 'Time of their ſaid Seſſions, and their Clerk two Shil-'lings, of the Fines and Amerciaments riſing and com-'ing of the ſame Seſſions, by the Hands of the She-'riffs. And that the Lords of Franchiſes ſhall be 'contributory to the ſaid Wages, after the Rate of 'their Part of Fines and Amerciaments aforeſaid. 'And that no Steward of any Lord be aſſigned in any 'of the ſaid Commiſſions. And that no Aſſocia-'tion ſhall be made to the Juſtices of the Peace after 'their firſt Commiſſion. And it is not the Intent 'of this Statute, that the Juſtices of the one Bench or 'of the other, nor the Serjeants of the Law, in caſe 'that they ſhall be named in the ſaid Commiſſions, 'ſhall be bound by force of this Statute to hold the 'ſaid Seſſions four Times in the Year, as the other 'Commiſſioners, the which be continually dwelling in 'the Country, but that they ſhall do it when they may 'beſt attend it.'

The Wages of the Clerk of the Peace.

No Aſſociation of Juſtices of Peace. 13 R. 2. ſtat. 1. c. 7.

The Judges and Serjeants of the Law ſhall attend the Seſſions but when they may. *See farther* Index, *tit.* Juſtices of Peace.

des Servantz & Laborers Mendinantz & Vagerantz & puniſſent ceux qe ſont puniſſables par la dite peyne de C s. par meſme la peyne & ceux qi ſont trovez en defaut qi ne ſont pas puniſſables par la dite peyne puniſſent par lour diſcretion. Et preigne cheſcun des ditz Juſtices pur lour gages iiij s. le jour pur le temps de lour ditz ſeſſions & lour clercs deux s. le jour des fyns & amerciementz ſurdantz & provenantz de meſmes les ſeſſions par les mayns des viſcontz. Et qe les Seignurs des franchiſes ſoient contributoirs as ditz gages ſolonc lafferant de lour part des fyns & amerciementz ſuſditz. Et qe null ſeneſchall de Seignur ſoit aſſigne en null des ditz commiſſions & qe null aſſociation ſoit faite as Juſtices de la paix apres lour primer commiſſion. Et neſt pas lentention de ceſt eſtatut qe les juſtices de lun bank & de lautre ne les ſergeantz de ley en cas qils ſoient nomez en les ditz commiſſions ſoient tenuz par force de ceſt eſtatut de tenir les ditz ſeſſions quatre foitz par an come ſont les autres commiſſioners qi ſont continuelment demurrantz en paiis mes qils le facent qant ils a ce poent bonement entendre.

CAP. XI.

The Puniſhment of him that telleth Lies of the Peers or great Officers of the Realm.

2 Inſt. 227, 228. 3 Ed. 1. c. 34. 2 R. 2. ſtat. 1. c. 5. Dyer 155, 285. 4 Co. 12. Kel. 26.

"ITEM, Whereas it is contained, as well in the Statute of *Weſtminſter* the firſt, as in the Statute made at *Glouceſter*, the ſecond Year of the Reign of our Lord the King that now is, that none be ſo hardy to invent, to ſay, or to tell any falſe News, Lies, or ſuch other falſe Things, of the Prelates, Dukes, Earls, Barons, and other Nobles and great Men of the Realm, and alſo of the Chancellor, Treaſurer, Clerk of the Privy Seal, and Steward of the King's Houſe, the Juſtice of the one Bench or of the other, and other great Officers of the Realm, and he that doth ſo ſhall be taken and impriſoned, till he hath found him of whom the Speech ſhall be moved;" 'It is accorded and agreed in this Parliament, That when any ſuch is taken and impriſoned, and cannot find him by whom the Speech be moved, as before is ſaid, that he be puniſhed by the Advice of the Council, notwithſtanding the ſaid Statutes.

Confirmed and extended by 1 & 2 *P. & M. c.* 3. *And farther by* 1 *El. c.* 6.

ITEM come contenuz ſoit ſibien en leſtatut de Weſtm' primer come en leſtatut fait a Glouc' lan du regne noſtre Seignur le Roi qore eſt ſecond qe null ſoit ſi hardy de controver dire ou conter aſcune faux novell menſonge ou autre tiel fauxe choſe des Prelatz Ducs Counts Barons & autres nobles & grantz du Roialme & auxint da Chancellor Treſorer Clerc du prive ſeal ſeneſchall del Hoſtel noſtre Seignur le Roi Juſtices de lun bank & de lautre & dautres grantz officers du Roialme & qi le fra ſoit pris & empriſones jeſqes autant qil eit trove celuy dont la parole ſerra moevez accordez eſt & aſſentuz en ceſt parlement qe qant aſcun tiel ſoit pris & empriſonez & ne poet trover celuy dont le parole ſerra moevez come devant eſt dit qil ſoit puniz par advys du conſeill nient contreſteant les eſtatutz avantditz.

CAP. XII.

In what Caſes the Lords and Spiritual Perſons ſhall be contributory to the Expences of the Knights of Parliament.

'ITEM, In the Right of the levying of the Expences of the Knights coming to the Parliaments 'for the Commons of the Counties, it is accorded and 'aſſented, That the ſaid Levying be made as it hath 'been uſed before this Time; joining to the ſame, 'that if any Lord, or any other Man Spiritual or 'Temporal, hath purchaſed any Lands or Tenements, 'or other Poſſeſſions, that were wont to be contributory to ſuch Expences before the Time of the ſaid

ITEM endroit de la levee des deſpenſes des chivalers venantz as parlementz pur les communes des countees accordez eſt & aſſentuz qe la dite levee ſoit faite come ad eſte uſe avant ces hures ajouſte a ycel qe ſi aſcun Seignur ou autre homme eſpirituel ou temporel eit purchaſez aſcuns terres ou tenementz ou autres poſſeſſions qi ſoleient eſtre contributoirs as tiels deſpenſes devant le temps du dit purchace qe meſmes les terres tenementz & poſ-

ſeſſions

Ex Rot. in Turr. Lond.

seſſions & les tenantz dicelles ſoient contributoirs as dites deſpenſes come les ditz terres tenementz & poſſeſſions & les tenantz dicelles ſoloient faire devant le temps de meſme la purchace.

'Purchaſe, that the ſaid Lands, Tenements, and Poſſeſſions, and the Tenants of the ſame, be contributory to the ſaid Expences, as the ſaid Lands, Tenements, and Poſſeſſion were wont to do before the Time of the ſame Purchaſe.' 4 Inſt. 46.

CAP. XIII.

The Puniſhment of them which cauſe Corruption near a City or great Town to corrupt the Air.

ITEM pur ce qe tantz des fymes & autres ordures des iſſues & entrailles ſibien des beſtes tuez come des autres corruptions ſont gettez & mys en foſſes ryvers & autres ewes & auxint pluſours autres lieux dedeinz entour & pres diverſes citees burghs & villes du Roialme & les ſuburbes dicelles qe laire illoeqes eſt grandment corrupt & enfect & pluſours maladies & autres diſeaſes nient ſuffrables aveignent de jour en autre ſibien a les inhabitantz & converſantz es dites citees burghs villes & ſuburbes come as autres illoeqes repairantz & paſſantz a treſgrant anuſance damage & peril des inhabitantz converſantz repairantz & paſſantz ſuſditz Accordez eſt & aſſentuz qe proclamation ſoit faite ſibien en la Citee de Londres come en autres citees burghs & villes parmy le Roialme ou il buſoigne ſibien deinz franchiſes come dehors qe toutz ceux qe tielx anuſances fymes iſſues entrailles & autres ordures ont gettez & mys en foſſes ryvers ewes & autres lieux ſuiſdites les facent outrement remuer ouſter & emporter parentre cy & le feſt de ſeint Michel proſchein avenir apres le fyn de ceſt parlement cheſcun ſur peyne de vynt livres appaiers au Roy & qe les meirs & baillifs de cheſcun tiel citee burgh & ville & auxint les bailifs des franchiſes les compellent de ce faire ſur ſemblable peyne. Et ſi aſcun ſoy ſent greve qe ce ne ſoit parfait en manere ſuſdite & ſoy voet ent pleindre al Chancellor apres le dit feſte de ſeint Michel eit brief de faire venir celui de qi il voet enſy pleindre en la Chancellarie a y monſtrer pur qoy la dite peyne ne ſerra leve de luy & ſil ne ſe poet ent duement excuſer ſoit meſme la peyne leve de luy. Et enoutre ſoit proclamation faite ſibien en la dite Citee de Londres come en autres citees burghs & villes come deſuis qe null de quel condition qil ſoit ne face mettre ou gettre deſore en avant tieles anoeſances iſſues fymes entrailles & ordures en les foſſes ryvers ewes & autres lieux ſuſditz & ſi null le face ſoit appelle par brief devant le Chanceller a la ſuite de celuy qe ſoy vorra pleindre & ſil ſoit trove coupable ſoit puniz ſolonc la diſcretion del Chaunceller.

"ITEM, For that ſo much Dung and Filth of the Garbage and Intrails as well of Beaſts killed, as of other Corruptions, be caſt and put in Ditches, Rivers, and other Waters, and alſo within many other Places, within, about, and nigh unto divers Cities, Boroughs, and Towns of the Realm, and the Suburbs of them, that the Air there is greatly corrupt and infect, and many Maladies and other intolerable Diſeaſes do daily happen, as well to the Inhabitants, and thoſe that are converſant in the ſaid Cities, Boroughs, Towns and Suburbs, as to other repairing and travelling thither, to the great Annoyance, Damage, and Peril of the Inhabitants, Dwellers, Repairers, and Travellers aforeſaid;" 'it is accorded and aſſented, That Proclamation be made as well in the City of *London*, as in other Cities, Boroughs, and Towns, through the Realm of *England*, where it ſhall be needful, as well within Franchiſes as without, that all they which do caſt and lay all ſuch Annoyances, Dung, Garbages, Intrails, and other Ordure in Ditches, Rivers, Waters, and other Places aforeſaid, ſhall cauſe them utterly to be removed, avoided, and carried away betwixt this and the Feaſt of St. *Michael* next enſuing after the End of this preſent Parliament, every one upon pain to loſe and to forfeit to our Lord the King *xx li.* And that the Mayors and Bailiffs of every ſuch City, Borough, or Town, and alſo the Bailiffs of Franchiſes, ſhall compel the ſame to be done upon like Pain. And if any feel himſelf grieved, that it be not done in the Manner aforeſaid, and will thereupon complain him to the Chancellor after the ſaid Feaſt of St. *Michael*, he ſhall have a Writ to make him of whom he will ſo complain to come into the Chancery, there to ſhew why the ſaid Penalty ſhould not be levied of him, and if he cannot duly excuſe himſelf, the ſaid Penalty ſhall be levied on him. And moreover, Proclamation ſhall be made, as well in the ſaid City of *London*, as in other Cities, Boroughs, and Towns, as afore, that none, of what Condition ſoever he be, cauſe to be caſt or thrown from henceforth any ſuch Annoyance, Garbage, Dung, Intrails, nor any other Ordure into the Ditches, Rivers, Waters, and other Places aforeſaid, and if any do, he ſhall be called by Writ before the Chancellor, at his Suit that will complain; and if he be found guilty, he ſhall be puniſhed after the Diſcretion of the Chancellor.'

Chief Officers of Towns ſhall compel Offenders to redreſs their Annoyances.

CAP. XIV.

A Confirmation of the Statute of 47 EDW. 3. *c.* 1. touching the Length and Breadth of Cloths.

Repealed by 5 & 6 Ed. 6. c. 6. 43 El. c. 10. & 4 Jac. 1. c. 2.

CAP. XV.

He that will go out of the Realm to provide a Benefice within the Realm, ſhall be out of the King's Protection, and the Benefice ſhall be void.

O. B. 13 R. 2. ſtat. 2. c. 2.

CAP. XVI.

In Turr. Lond.

Altered 14 R. 2. c. 1. & O B.

The Staple ſhall be removed from *Middleborough* to *Calais*.

REX vicecomiti Kancie ſalutem. Quedam ſtatuta & ordinationes per nos de aſſenſu Magnatum & Communitatum regni noſtri Anglie in parliamento noſtro apud Cantebrigg' in craſtino nativitatis beate Marie Virginis ultimo preterito tento facta que tibi mittimus ſub magno ſigillo noſtro in forma patenti tibi precipimus quod infra comitatum predictum in locis ubi magis expediens fuerit ſine dilatione legi & publice ex parte noſtra proclamari ac firmiter teneri & obſervari facias juxta formam ſtatutorum & ordinationum predictorum. Et hoc ſub incumbenti periculo nullatenus omittas.

T. R. apud Weſtm' xx. die Novembris.

Conſimilia brevia diriguntur ſingulis vicecomitibus per Angliam ac Johanni Regi Caſtelle & Legionis Duci Lancaſtrie vel ejus cancellario in ducatu predicto.

Statutes made at Weſtminſter, Anno 13 RICH. II. *Stat.* 1. *and* Anno Dom. 1389.

"IN the Parliament holden at *Weſtminſter* the *Monday* next after the Feaſt of St. *Hillary*, the thirteenth Year of the Reign of King RICHARD the Second after the Conqueſt, our Lord the King, to the Honour of God and holy Church, and for the common Profit of his liege People of his Realm, of the Aſſent of the Prelates and Lords Temporal, and Commons, being in the ſame Parliament, hath ordained and eſtabliſhed the Things under-written."

Ex Rot. in Turr. Lond. *m.* 11.

EN yceſt parlement tenuz a Weſtm' Lundy proſchein apres le feſt de Seint Hiller lan du regne noſtre Seignur le Roi RICHARD ſecond puis le conqueſt treſziſme noſtre dit Seignur le Roy al honour de Dieu & de ſeint eſgliſe & pur commune profit de ſes liges de ſon dit Roialme del aſſent des prelatz Seignurs temporeles & communes eſteantz el dit parlement ad ordeinez & eſtabliz les choſes deſouz eſcriptz.

CAP. I.

The King's Preſentee ſhall not be received to a Church full of an Incumbent, until he hath recovered it by Law.

1 Mod. 279. The Statute of 25 Ed. 3. ſtat. 3. c. 3. confirmed, touching the Examination of the King's Title to a Benefice when he preſenteth in another's Right.

"FIRST, Whereas it is ordained by a Statute made the xxv Year of the Reign of King EDWARD the Grandfather of our Lord the King that now is, that at what Time that the King ſhall make Collation or Preſentment to any Benefice in another's Right, that the Title upon which he groundeth himſelf ſhall be well examined that it be true; and at what Time before Judgment given, the Title be found by good Information untrue, and not juſt, the Collation or Preſentment thereupon made ſhall be repealed: And notwithſtanding the ſame Statute, ſome of the King's Preſentees by Favour of the Ordinaries be inſtituted and inducted in Benefices of holy Church without due Proceſs, the Parties not warned nor called, and ſometime taken by falſe Inqueſts favourably, and the Incumbents in ſuch Manner put out;" 'It is ordained and aſſented, That the ſaid Statute be firmly holden and kept.

4 Inſt. 51. f. 3.

'And moreover our Lord the King, for the Reverence of God and holy Church, doth will and grant, 'That if he preſent to any Benefice that is full of any 'Incumbent, that the Preſentee of the King ſhall not 'be received by the Ordinary to the Benefice, till the 'King hath recovered his Preſentment by Proceſs of

2 H. 4. f. 17. 8 H. 4. f. 21. 14 H. 7. f. 25.

'the Law in his own Court: And if any Preſentee of the King be otherwiſe received, and the In-

EN primes come ordeine ſoit par eſtatut fait lan du regne del Aiel noſtre Seignur le Roy vint & quint qe a quelle heure qe le Roy ferra collation ou preſentement a null benefice en autri droit qe le title ſur quoi il ſe fondra ſoit bien examine qil ſoit vray & a quelle heure qe avant juggment rendu le title ſoit trove par bone enformation nient vray ne jouſt ſoit la collation ou preſentement ent fait repellez & nient contreſteant le dit eſtatut aſcuns preſentez du Roy par favour des ordinairs ſont inſtitutz & inductz en benefices de ſeinte eſgliſe ſanz due proceſſe les parties nient garniz ne appellez & aſcun foitz par enqueſtes meyns vrais favorablement pris & les incumbentz en tiele Manere ouſtez ordeinez eſt & aſſentuz qe le dit eſtatut ſoit fermement tenuz & gardez. Et enoutre noſtre Seignur le Roy al reverence de Dieu & de ſeinte eſgliſe voet & grante qe ſil preſente a aſcun benefice qe ſoit plein daſcun incumbent qe le preſente du Roy ne ſoit receu par lordinair a tiel benefice tanqe le Roy eit recovere ſon preſentement par proces du ley en ſa Court demeſne & ſi aſcun preſente du Roy ſoit autrement receu & lincumbent ouſte ſanz due

proces

Ex Rot. in Turr. Lond.

proces come deſuis eſt dit comence le dit incumbent ſa ſuite deinz un an apres linduction du preſente du Roy a pluſtard.

'cumbent put out without due Proceſs, as afore is 'ſaid, the ſaid Incumbent ſhall begin his Suit within 'a Year after the Induction of the King's Preſentee at 'the leaſt.' 25 Ed. 3. ſtat. 3. c. 3. & ſtat. 3. c. 7. *Enforced by* 4 H. 4. c. 22.

CAP. II.

The Authority of the Conſtable of *England*, and the Remedy where it is abuſed.

ITEM pur ce qe la commune feſt grevouſement compleint qe la Court del Coneſtable & Mareſchall ad accroche a luy & accroche de temps en temps contractz covenantes treſpaſſes dettes & detenues & pluſours autres actions pledables par la commune ley en grant prejudice du Roy & de ſes Courtes & a grant grevance & oppreſſion du poeple noſtre Seignur le Roy voillant ordeigner remede encontre les prejudices & grevances ſuiſditz ad declare en ceſt parlement par advys & aſſent des Seignurs eſpirituels & temporeles le poair & juriſdiction du dit Coneſtable en la fourme qenſuit: Al Coneſtable appartient davoir coniſſance des contractz tochantz fait darmes & de guerre hors du Roialme & auxint des choſes qe touchent armes ou guerre deinz le Roialme queux ne poient eſtre terminez ne diſcus par la commune ley ove autres uſages & cuſtumez a ycelles matires appurtenantz queux autres Coneſtables devant ore ont duement & reſonablement uſez en lour temps ajouſtant a ycell qe cheſcun pleintif declare pleinement ſa matire en ſa petition avant qe ſoit envoie pur aſcun homme a reſpondre a ycell. Et ſi aſcun ſoi voet pleindre qaſcun ples ſoit comence devant le Coneſtable & Mareſchall qe purroit eſtre trie par commune ley de la terre eit cell pleintif brief de prive ſeal du Roy ſanz difficulte direct as ditz Coneſtable & Mareſchall de ſurſeer en celle plee tanqil ſoit diſcus par le Conſeil du Roy ſi celle matire doit de droit appartiegner a celle Courte ou autrement eſtre triez par la commune ley du Roialme & qils ſurſeent en le meſne temps.

"ITEM, Becauſe that the Commons do make a "grievous Complaint, that the Court of the Con- "ſtable and the Marſhal hath incroached to him, and "daily doth incroach Contracts, Covenants, Treſ- "paſſes, Debts, and Detinues, and many other Ac- "tions pleadable at the Common Law, in great Pre- "judice of the King and of his Courts, and to the "great Grievance and Oppreſſion of the People;" 'our Lord the King, willing to ordain a Remedy 'againſt the Prejudices and Grievances aforeſaid, hath 'declared in this Parliament, by the Advice and Aſſent 'of the Lords Spiritual and Temporal, the Power and 'Juriſdiction of the ſaid Conſtable, in the Form that 'followeth: To the Conſtable it pertaineth to have 'Cogniſance of Contracts touching Deeds of Arms 'and of War out of the Realm, and alſo of Things 'that touch War within the Realm, which cannot be 'determined nor diſcuſſed by the Common Law, with 'other Uſages and Cuſtoms to the ſame Matters per- 'taining, which other Conſtables heretofore have duly 'and reaſonably uſed in their Time; joining to the 'ſame, that every Plaintiff ſhall declare plainly his 'Matter in his Petition, before that any Man be ſent 'for to anſwer thereunto. And if any will complain, 'that any Plea be commenced before the Conſtable and 'Marſhal, that might be tried by the Common Law 'of the Land, the ſame Plaintiff ſhall have a Privy 'Seal of the King without Difficulty, directed to the 'ſaid Conſtable and Marſhal, to ſurceaſe in that Plea, 'until it be diſcuſſed by the King's Council, if that 'Matter ought of Right to pertain to that Court, or 'otherwiſe to be tried by the Common Law of the 'Realm of *England*, and alſo that they ſurceaſe in the 'mean Time.' 1 Roll 87. 4 Mod. 128. Crompt. Juriſdiction, 28. 1 Shower. 353. 28 Ed. 1. ſtat. 3. c. 3. 8 R. 2. c. 5.

25 H. 6. c. 1. *See* 33 H. 8. c. 12. *before whom Murders committed in the King's Houſe ſhall be tried.*

CAP. III.

The Limits of the Steward's and Marſhal's Court of the King's Houſe.

ITEM accordez eſt & aſſentuz qe la Court de Seneſchall & Mareſchall del hoſtiel du Roy ne la juriſdictione dycelle ne paſſe leſpace de douſze lewes a counters entour le tenell du Roy.

'ITEM it is accorded and aſſented, That the Court 'of the Steward and Marſhal of the King's Houſe, 'nor alſo the Juriſdiction thereof, ſhall not paſs the 'Space of twelve Miles, to be counted from the Lod- 'ging of our ſaid Lord the King.' 1 Bulſtr. 209.

CAP. IV.

The Duty of a Clerk of the Market of the King's Houſe.

ITEM a la requeſte de la dite communalte ordeinez eſt & aſſentuz qe le clerc del marche del hoſtiell noſtre Seignur le Roy face bien & duement ſon office & qe toutes fauxes meſures & pois ſoient ars ſolonc la fourme del eſtatut & qe le dit clerc ne preigne null commune fyn mes qe cheſcun perſone qeſt trove en defaut tochant le dit office ſoit puniz

'ITEM, At the Requeſt of the ſaid Commons it is 'ordained and aſſented, That the Clerk of the 'Market of the King's Houſe ſhall do his Office 'well and duly; and that all falſe Meaſures and 'Weights ſhall be burned after the Form of the 'Statute; and that the ſaid Clerk take no common 'Fine, but that every Perſon which is found in De-

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'fault touching the ſame Office, be puniſhed according to his Deſert, and that he ſhall not ride but with ſix Horſes at the moſt, and that he ſhall not tarry in any Town nor other Place longer than the Neceſſity of his Buſineſs ſhall require; and if he do any thing contrary to this Statute, and be thereof duly convict, he ſhall pay to the King at the firſt Time that he ſhall be convict, an *Cs.* and at the ſecond Time *x l.* and at the third Time *xx l.*'

4 Inſt. 274.

ſolonc ſon deſert & qil ne chivache mes ove ſys chivalx au pluis & qil ne demurge en nulle ville nautre lieu pluis qe la neceſſite de ſon fait demande & ſil face riens a contrair de ceſt eſtatut & ent ſoit duement convictx paie au Roy al primer foitz qil ſerra iſſint convict cent ſouldz & al ſecond foitz dys livers & al tierce foitz vint livers.

CAP. V.

What Things the Admiral and his Deputy ſhall meddle.

Enforced by 2 H. 4. c. 11. 1 Inſt. 260. 4 Inſt. 135. 12 Co. 104. 13 Co. 42, 52. Hob. 11, 79, 196, 212. 2 Roll. 497. 2 Bulſtr. 323. 3 Bulſtr. 205. Dyer 159. 4 Mod. 176.

"ITEM, Foraſmuch as a great and common Clamour and Complaint hath been oftentimes made before this Time, and yet is, for that the Admirals and their Deputies hold their Seſſions within divers Places of this Realm, as well within Franchiſe as without, accroaching to them greater Authority than belongeth to their Office, in prejudice of our Lord the King, and the common Law of the Realm, and in diminiſhing of divers Franchiſes, and in Deſtruction and impoveriſhing of the common People;" 'it is accorded and aſſented, That the Admirals and their Deputies ſhall not meddle from henceforth of any thing done within the Realm, but only of a Thing done upon the Sea, as it hath been uſed in the Time of the noble Prince King EDWARD, Grandfather of our Lord the King that now is.'

See 15 R. 2. c. 3. *in what Place the Admiral's Juriſdiction doth lie.*

ITEM pur ceo qe grant & commune clamour & pleint ont eſte ſovent faitz devant ces heures & unqore ſont de ce qe les Admiralx & lour deputees tiegnent lour ſeſſions en diverſes places deinz le Roialme ſibien deinz franchiſes come dehors accrochantz a eux plus grant poair qe a lour office appartient en prejudice de noſtre Seignur le Roy & la commune ley du Roialme & grant emblemiſſement des pluſours diverſes franchiſes & en deſtruction & empoveriſſement del commune poeple Accordez & aſſentuz qe les Admiralx & lour deputees ne ſoi mellent deſore enavant de null choſe fait deinz le Roialme mes ſoulement de choſe fait ſur le meer ſolonc ceo qad eſte duement uſe el temps du noble Roy EDWARD Aiel noſtre Seignur le Roi qor eſt.

And ſee farther 2 H. 4. c. 11. 8 *Eliz.* c. 5. *and* 2 *W. & M. ſeſſ.* 2. c. 2. 1 Salk. 31.

CAP. VI.

How many Serjeants at Arms there ſhall be, and with what Things they ſhall meddle.

"ITEM, At the grievous Complaint made by the Commons to our Lord the King in this Parliament, of the exceſſive and ſuperfluous Number of Serjeants at Arms, and of many great Extortions and Oppreſſions done by them to the People;" 'The King therefore doth will, that they ſhall all be diſcharged, and that of them and other there ſhall be taken of good and ſufficient Perſons to the Number of Thirty, and no more from henceforth. And moreover the King prohibiteth them to meddle with any thing that toucheth not their Office; and that they do no Extortion nor Oppreſſion to the People, upon pain to loſe their Office, and to make a Fine and Ranſom at the King's Pleaſure, and full Satisfaction to the Party.'

ITEM a la grevous compleint de la communalte fait a noſtre Seignur le Roi en ceſt parlement del exceſſive & outrageous noumbre des ſergeantz darmes & de pluſours grantz extorſions & oppreſſions par eux faitz au poeple le Roy voet qils ſoient treſtoutz deſchargez & qe de eux & de autres ſoient repriſes bones & ſufficeantes perſones tanqal noumbre de trent ſanz pluis deſore enavant. Et en outre le Roy defende qils ne ſoi mellent de riens qe ne touche lour office & qils ne facent null extorſion ne oppreſſion al poeple ſur peine de perdre lour office & de faire fyn & ranceon a la volunte du Roy & pleine gree a la partie.

CAP. VII.

What Sort of Perſons ſhall be Juſtices of Peace, and what their Charge is to do.

"ITEM, Whereas it is contained in the laſt Statute made at *Canterbury*, that no Steward of any Lord ſhall be aſſigned in the Commiſſion of the Juſtice of Peace;" 'nevertheleſs for certain Cauſes ſhewed in this Parliament, it is accorded and aſſented, That Juſtices of Peace ſhall be made of new in all the Counties of *England*, of the moſt ſufficient Knights, Eſquires, and Gentlemen of the Law of the ſaid

ITEM come contenuz ſoit en leſtatut darrein fait a Cantebrigg qe null ſeneſchall du Seignur ſoit aſſigne en commiſſion du Juſtice de la pees Nientmeyns pur certeines cauſes monſtrez en ceſt parlement accordez eſt & aſſentuz qe Juſtices de la pees ſoient faitz de novell en toutz les countees dEngleterre de les pluis ſufficeantz chivalers eſquiers & gentz de ley des ditz countees nient contreſteant

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tresteant le dit estatut & qe les ditz Justices soient serementez de duement & sanz favour garder & mettre en execution toutz les estatutz & ordinances touchantz lour offices.

'Counties, notwithstanding the said Statute; and that the said Justices be sworn duly without Favour to keep and put in Execution all the Statutes and Ordinances touching their Offices.' 1 Ed. 3. stat. 2. c. 16. 4 Ed. 3. c. 2. 18 *Ed.* 3. *stat.* 2. *c.* 2. 34 *Ed.* 3.

c. 1. 12 R. 2. *c.* 10. 2 *H.* 5. *stat.* 1. *c.* 4. 2 *H.* 5. *stat.* 2. *c.* 1. 18 H. 6. c. 11. 1 *Ed.* 4. *c.* 2. 1 *R.* 3. *c.* 3. *See farther* Index, *tit.* Justices of Peace.

CAP. VIII.

The Rates of Labourers Wages shall be assessed and proclaimed by the Justices of Peace, and they shall assess the Gains of Victuallers. Who shall make Horsebread, and the Weight and Price thereof.

ITEM ordeinez est & assentuz qe les estatutz & ordinances faitz al parlement darrein tenuz a Cantebrigg sibien de servantz laborers artificers & vitaillers come de toutes autres choses horspris lexception en le proschein article pardesuis touchant justices de la pees & auxint toutz autres estatutz & ordinances faitz devant ces heures & nient repellez soient fermement gardez & duement executz. Mes pur ce qe homme ne purra mye mettre en certein les pris des bledz & autres vitailles accordez est & assentuz qe les justices de la pees en chescun counte en lour sessions tenuz entour le Pasqe & le seint Michel facent proclamation par lour discretion solonc la chierte de vitailles combien chescun mason carpentre teguler & autres artificers & overours & auxint laborers par journes sibien en Aust come en autre temps del an solonc lour degre prendra le jour ove manger & boire ou sanz manger & boire entre les deux seisons suisdites Nient contresteant les estatutz ent faitz devant ces heures & qe chescun obeie a tielx proclamations de temps en temps come a chose fait par estatut. Et en droit des vitaillers accordez est qils eient resonable gaigne solonc la discretion & limitation des ditz justices & nient pluis sur peine destre grevousement puniz solonc la discretion des ditz justices la ou peine nest pas limite en certein des ditz vitaillers devant ces heures. Et qe viscontz seneschalx des Seignurs de franchises mairs & baillifs & toutz autres qont lassise de pain & de cervoise agarder & la correction dicell ne preignent null amerciment ne fyn pur null defaut tochant la dite assise pur quell homme ou femme par la ley avera penance corporele solonc ce qest autrement ordeigne par estatut mes les ajuggent a mesme la penance corporel come le defaut requert & facent ent due execution. Et qe mairs & baillifs & seneschalx des franchises & toutz autres qont la garde & survewe des vitailles es citees burghs villes merchandes & aillours ou vitails sont venduz parmy le Roialme mettent lestatut fait lan vynt & tierce du regne le Roy E. Aiel le Roi qoreſt qe comence *Quia maxima pars populi* tochant lestat des vitaillers & hostillers & autres vendours des vitailles en due execution. Et qe null hostiller face payn pur chivalx en son hostell naillours mes facent les pestours & soit lassay ent fait qe le pois soit resonable solonc le pris des bledz qe soit en marche & qe mesmes les hostillers vendent feyn & aveyns a resonable pris issint qils ne preignent pur le bussell forsqe un maill outre le commune pris en marche.

'ITEM it is ordained and assented, That the Statutes and Ordinances made in the last Parliament holden at *Canterbury*, as well of Servants, Labourers, Artificers, and Victuallers, as of all other Things, saving the Exception of the next Article before touching Justices of Peace, and also all other Statutes and Ordinances made before this Time, and not repealed, shall be firmly kept, and duly executed. 12 R. 2. c. 9.

'But forasmuch as a Man cannot put the Price of Corn and other Victuals in certain, it is accorded and assented, That the Justices of Peace in every County, in two of their Sessions to be holden betwixt the Feast of *Easter* and St. *Michael*, shall make Proclamation by their Discretion according to the Dearth of Victuals, how much every Mason, Carpenter, Tiler, and other Craftsmen, Workmen, and other Labourers by the Day, as well in Harvest as in other Times of the Year, after their Degree, shall take by the Day with Meat and Drink, or without Meat and Drink, between the two Sessions beforesaid, notwithstanding the Statutes thereof heretofore made, and that every Man obey to such Proclamations from time to time as a Thing done by Statute. And in the Right of Victuallers it is accorded, That they shall have reasonable Gains, according to the Discretion and Limitation of the said Justices, and no more, upon pain to be grievously punished according to the Discretion of the said Justices, where no Pain is limited in certain before this Time. And that Sheriffs, Stewards of Lords of Franchises, Mayors, and Bailiffs, and all other that have Assise of Bread and Ale to keep, and the Correction of the same, shall take no Amerciament or Fine for any Default touching the said Assise, for the which a Man or Woman by the Law ought to have bodily Punishment, according as it is another Time ordained by Statute; but they shall judge them to the same bodily Punishment as the Offence requireth, and shall do Execution thereof. And that Mayors, Bailiffs, and Stewards of Franchise, and all other that have the Order and Survey of Victuals in Cities, Boroughs, Merchant Towns, and elsewhere, where Victuals be sold in the Realm, shall put the Statute made the twenty-third Year of the Reign of King EDWARD, Grandfather to the King that now is, which beginneth *Because a great Part of the People*, touching the Estate of Victuallers and Hostellers, and other Sellers of Victuals, in due Execution. And that no Hosteller, make Horse-bread in his Hostry nor withoutforth, but Bakers shall make it; and the Assise thereof shall be kept, and that the Weight be reasonable after the Price of the Corn in the Market; and that the same Hostellers shall sell Hay and Oats after a reasonable Price, so that they take not for the Bushel but one Halfpenny over the common Price in the Market.'

The Rate of Artificers and Labourers Wages. 5 El. c. 4.

Victuallers Gains shall be reasonable. Cro. Jac. 609. 2 Keb. 277. 23 Ed. 3. c. 6. 12 Ed. 4. c. 8. *appoints chief Governors of Towns to survey Victuals.*

Victuallers Punishment. 51 H. 3. stat. 1.

Horse-bread. 4 H. 4. c. 25. 32 H. 8. c. 41.

Repealed by 21 Jac. 1. c. 23 & 28.

CAP.

CAP. IX.

There ſhall be but one Weight and one Meaſure throughout the Realm, ſaving in the County of *Lancaſter*. The Weight of Wooll, and the Refuſe thereof.

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9 H. 3. *ſtat.* 1. c. 25. 51 H. 3. *ſtat.* 1. 31 Ed. 1. 14 Ed. 3. *ſtat.* 1. c. 12. 27 Ed. 3. *ſtat.* 2. c. 10. 31 Ed. 3. *ſtat.* 1. c. 2. 3 Ed. 3. c. 5 & 6.

'ITEM it is ordained and accorded, That one Meaſure and one Weight be through all the Realm of *England*, as in the Great Charter, and other Statutes and Ordinances thereof made, is more plainly contained. And every one that ſhall be convict that he hath or uſeth any other Meaſure or Weight ſhall have Impriſonment of half a Year, and make Recompence to the Party grieved to the double of his Loſs, except it be in the County of *Lancaſter*, becauſe in that County it hath always been uſed to have greater Meaſure than in any other Part of the Realm. And that none buy or ſell Wooll at more Weight than at fourteen Pounds the Stone, upon the pain to pay the double to him that feeleth him grieved, and to make Fine and Ranſom to the King after the Quantity of the Treſpaſs. And that no Denizen nor Foreigner make any other Refuſe of Woolls, but Cot, Gare, and Villein. And that no Merchant nor other Man buy his Woolls by theſe Words, *Good Packing*, nor by like Words, upon pain, that is to ſay, the Broker to have Impriſonment of half a Year, and the Buyer to make a Fine to the King after the Quantity of the Treſpaſs, and the Party that feeleth him grieved, ſhall have double Damages of that which he hath ſuffered by the ſaid Occaſion. And that none ſhall make Woolls to be cocketed, but in the Name of him to whom the Woolls be, upon pain of Forfeiture of the ſame, as it hath been another Time ordained by Statute.'

Wooll ſhall be ſold xiv l. to the Stone. 31 Ed. 3. ſtat. 1. c. 8.

Refuſe of Woolls.

Wooll ſhall not be bought by Good Packing;

nor be cocketed but in the Owner's Name. 8 H. 6. c. 5. 11 H. 7. c. 4.

See farther Index, *tit.* Weights and Meaſures.

ITEM ordeignez eſt & accordez qe une meſure & un pois ſoit parmy tout le Roialme dEngleterre come en la Grant Chartre & autres ordenances & eſtatutz ent faitz eſt contenuz plus au plein. Et qe cheſcun qe ſoit convict qil ad ou uſe autre meſure ou pois eit la priſone de demy an & face gree al partie del double de ſa perde forſpris en le counte de Lancaſtre acauſe qen le dit counte ad eſte de tout temps plus grant meſure qe en aſcun autre partie du Roialme. Et qe null homme achate ne vende leyns a plus haut pois qe a quatorſze livres le pere ſur peyne de paier le double a celuy qe ſoi ſente greve & de faire fyn & ranceon au Roi ſolonc la quantite du treſpaſs. Et qe null deinſzein ou forein ne face autre refus de leynes ſinoun cod gard & vilein. Et qe null merchant nautre homme achate ſes leynes par celles paroles Good pakkyng ne par autres paroles ſemblables ſur peine ceſtaſſavoir le brogour davoir lempriſonement de demy an & lachatour de faire fyn au Roi ſolonc la quantite du treſpaſs & la partie qe ſoi ſente greve eit la double des damages qil ad ſuffert par la dit encheſon. Et qe nully face coketter leynes forſqe en le noun de celuy a qi les leynes ſont ſur forfaiture dicelles ſicome autrefoitz ordeinez fuiſt par eſtatut.

CAP. X.

The Length and Breadth of *Cogware* and *Kendal* Cloth.

25 Ed. 3. ſtat. 4. c. 1. 47 Ed. 3. c. 1. 12 R. 2. c. 14. 5 & 6 Ed. 6. c. 6. 43 El. c. 10. Rep. 4 Jac. 1. c. 2.

CAP. XI.

The Cloths of certain Counties tacked and folded ſhall not be put to Sale before they be opened.

"ITEM, Foraſmuch as divers plain Cloths that be wrought in the Counties of *Somerſet*, *Dorſet*, *Briſtol*, and *Glouceſter*, be tacked and folded together, and ſet to Sale, of the which Cloths a great Part be broken, brouſed, and not agreeing in the Colour, neither be according in Breadth, nor in no Manner to the Part of the ſame Cloths ſhewed outwards, but be falſly wrought with divers Woolls, to the great Deceit, Loſs, and Damage of the People, in ſo much that the Merchants that buy the ſame Cloths, and carry them out of the Realm to ſell to Strangers, be many Times in Danger to be ſlain, and ſometime impriſoned, and put to Fine and Ranſom by the ſame Eſtrangers, and their ſaid Cloths burnt or forfeit, becauſe of the great Deceit and Falſhood that is found in the ſame Cloths when they be untacked and opened, to the great Slander of the Realm of *England*;" 'it is ordained and aſſented, That no plain Cloth tacked nor folded ſhall be ſet to Sale

See farther concerning Cloths, Index, *tit.* Drapery.

ITEM pur ce qe diverſes playnes draps qe ſont overez en les countees de Somers,' Dors' Briſtoll & Glouc' ſont tachez & enrollez enſemble & mys a vendre des queux draps grantz parties ſont dirumpez & debruſez & deſacordant en colour ne ne ſont pas accordantz en laeure nen null manere as parties de meſmes les draps qe ſont monſtrez pardehors mes ſont faucement overez de diverſes leynes a grantz deceite perde & damage du poeple en tant qe les merchantz qe achatent les ditz draps & les ameſnent hors du Roialme pur vendre as foreins ſont pluſours foitz en point deſtre mortz & aſcuns foitz empriſonez & myſez au fyn & ranceon par les ditz foreins & lour ditz draps ars ou forfaitz acauſe del grant deceite & faucine qe ſont trovez en meſmes les draps qant ils ſont deſtachez & overtz a grant deſclandre du Roialme ordeinez eſt & aſſentuz qe null playn drap tache ne roulle ſoit mys a vendre deinz les ditz countees einz qils ſoient overtz

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overtz ſur peine de forfaiture dicelles iſſint qe les achatours les puiſſent veer & conuſtre come il eſt uſe en le counte dEſſex & qe les overours textours & fullours mettent lour ſignes a cheſcun drap qils overont ſur certeine peine a limiter par les Juſtices de la pees & qe ceſte ordinance comence a tenir lieu al feſt de Seint Johan le Baptiſtre prochein avenir. Purveuz toutefoitz qe apres ce qe les merchantz ont achatez les ditz draps pur ameſner & les ameſnent hors du Roialme les puiſſent tacher & rouller a lour volunte par le plus legier cariage dicelles.

'within the ſaid Counties, but that they be opened, upon pain to forfeit them, ſo that the Buyers may ſee them, and know them, as it is uſed in the County of *Eſſex*; and that the Workers, Weavers, and Fullers ſhall put their Seals to every Cloth that they ſhall work, upon a certain Pain to be limited by the Juſtices of the Peace; and that this Ordinance begin to hold Place at the Feaſt of Saint *John Baptiſt* next following. Provided always, That after the Merchants have bought the ſame Cloths to carry, and do carry them out of the Realm, they may tack them and fold them at their Pleaſure, for the more eaſy Carriage of them.'

CAP. XII.

No Shoemaker ſhall be a Tanner, nor Tanner a Shoemaker.

Altered by 4 H. 4. c. 35. Rep. 5 El. c. 8. & 1 Jac. 1. c. 22.

CAP. XIII.

None ſhall hunt but they which have a ſufficient Living.

ITEM pur ceo qe diverſes artificers & laborers & ſervantz & garcions tiegnent leverers & autres chiens & es jours de feſtes qant bones Criſtiens ſont as eſgliſes oiantz divine ſervice vont chaceantz es parkes garennes & conyngers des Seignurs & autres a treſgrant deſtruction dicelles & a la foitz ſoutz tiel colour font lour aſſemblies & reparlances & conſpiracies pur lever & deſobeier a lour ligeance ordeignez eſt & aſſentuz qe null maner artificer ne laborer ne null autre lais homme qe nad terres & tenementz a la value de xl s. par an ne null preſtre nautre clerc ſil ne ſoit avance a la value de dis livres par an neit ne tiegne deſore enavant null leverer ne lerce nautre chien pur chacer ne ne uſe furettes haies rees harepipes ne cordes ne nulles autres engynnes pur prendre ou deſtruire ſavagnie leveres ne conilles nautre deſduit des gentils ſur peine dempriſonement dun an & qe les Juſtices du pees eient poair denquerre & enquergent de les treſpaſſours celle partie & les puniſſent par la peine ſuiſdite.

"ITEM, Foraſmuch as divers Artificers, Labourers, and Servants, and Grooms, keep Greyhounds and other Dogs, and on the Holydays, when good Chriſtian People be at Church, hearing Divine Service, they go hunting in Parks, Warrens, and Connigries of Lords and others, to the very great Deſtruction of the ſame, and ſometime under ſuch Colour they make their Aſſemblies, Conferences, and Conſpiracies for to riſe and diſobey their Allegiance;" 'it is ordained and aſſented, That no manner of Artificer, Labourer, nor any other Layman, which hath not Lands or Tenements, to the Value of *xl s.* by Year, nor any Prieſt, nor other Clerk, if he be not advanced to the Value of *x l.* by Year, ſhall have or keep from henceforth any Greyhound, Hound, nor other Dog to hunt; nor ſhall they uſe Fyrets, Heys, Nets, Harepipes, nor Cords, nor other Engines for to take or deſtroy Deer, Hares, nor Conies, nor other Gentlemens Game, upon pain of one Year's Impriſonment; and that the Juſtices of Peace have Power to enquire, and ſhall enquire of the Offenders in this Behalf, and puniſh them by the Pain aforeſaid.'

3 Cro. 231. 1 Vent. 103. 5 Mod. 307. 1 Salk. 212. Allen 43. 2 Bulſt. 60.

33 Ed. 1. ſt. 5. ſtat. 46 E. 3. fol. 342. Juſtices of Peace ſhall enquire of and puniſh the Offenders.

Enforced by 19 H. 7. c. 11. Raſt. 405. *See* 8 El. c. 15. *which aſſigns Rewards for bringing the Heads and Eggs of ravenous Birds, &c.*

CAP. XIV.

There ſhall be no Bonds of the Double made in Exchequer for the King's Debt.

ITEM pur ce qe diverſes reconiſſances & autres liens ſont ore tard comencez & faitz en leſcheqer del double pur ſurete des dettes & fermes noſtre Seignur le Roy autrement qe ne ſoleit eſtre fait en temps paſſe a treſgrant diſeaſe des pluſours del people accordez eſt & aſſentuz par noſtre Seignur le Roi meſmes & toutz les Seignurs du parlement a la requeſte de la communalte qe null tielle reconiſſance nautre lien del double ſoit fait ne pris en leſcheqer deſore enavant & qe toutz tielles reconiſſances & autres liens qe ſont faitz a preſent ſoient outrement cancellez & annullez. Purveu toutfoitz qe le Roi eit ſufficeante ſeurete de ſa duite en manere accuſtume.

"ITEM, Foraſmuch as divers Recognizances and other Bonds be now of late begun and made in the Exchequer of double, for the Surety of Debts and Ferms of our Lord the King, otherwiſe than it was wont to be done heretofore, to the great Hindrance of many of the People;" 'it is accorded and aſſented by our Lord the King, and all the Lords of the Parliament, at the Requeſt of the Commons, That no ſuch Recognizance nor other Bond of the Double be made nor taken in the Exchequer from this Time forth; and that all ſuch Recognizances, and other Bonds which be made at this preſent, be utterly cancelled and annulled. Provided always, That the King have ſufficient Surety of his Duty in the Manner accuſtomed.'

CAP. XV.

The King's Caſtles and Gaols ſhall be rejoined to the Bodies of Counties.

'ITEM, it is ordained and aſſented, That the King's Caſtles and Gaols, which were wont to be joined to the Bodies of the Counties, and be now ſevered, ſhall be rejoined to the ſame Counties.'

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ITEM ordeinez eſt & aſſentuz qe les chaſtelx & gaoles du Roi qe ſoleient eſtre jointz as corps des countees & ſont ore deſſeverez ſoient rejointz a meſmes les countees.

CAP. XVI.

In what Caſe a Protection *Quia profecturus*, or *Quia moraturus*, is not allowable.

33 *Ed.* 1. *ſtat.* 1. *de protectionibus* 25 *Ed.* 3. *ſtat.* 5. *c.* 19. 1 R. 2. c. 8.

"ITEM, Becauſe that many Perſons be delayed, as well in Actions real as in Actions perſonal, by Protection with the Clauſe of *Volumus*, for that many People, as well ſuch as be not able to be retained in War, as other, by the Teſtimonial of the Governors of the Marches, Captains of Garriſons, Admirals, and other, do purchaſe divers Protections with Clauſe of *Volumus*, and with Clauſe *Quia profecturus*, &c. after that a Plea is commenced againſt them, rather to delay the ſame Plea, than for the King's Service, whereas Plenty of other ſufficient that be not impleaded, may be found to do the King's Service in ſuch Caſe, and often do remain in the Country without going to the ſaid Service, to the great Damage of the Purſuants, and Diſturbance of common Right;" 'it is therefore ordained and aſſented, That no Protection with Clauſe of *Profecturus* be allowed in any Plea, whereof the Suit is commenced before the Date of the Protection, if it be not in a Voyage that the King himſelf goeth, or other Voyages Royal, or in the King's Meſſages for Buſineſs of the Realm, but they that be impleaded ſhall make their Attornies to anſwer for them in ſuch Pleas, or elſe they ſhall tarry themſelves if they will. Howbeit, it is not the Intent of the making of this Statute, but that the Protection with Clauſe *Quia moraturus* be allowed in all Caſes, as it hath been before this Time: And if any tarry in the Country, without going to their Service for the which he is retained, over a convenient Time after that he hath any Protection, or return from the ſame Service, if the Chancellor be thereof duly informed, he ſhall repeal ſuch Protection, as it hath been uſed before this Time.'

Fitz. Protection, 2, 10, 20, 24, 34, 46, 48, 53, 56, 125. Co. Lit. 131. b.

Cauſes to repeal a Protection.

See farther concerning Protections 7 *H.* 4. *c.* 4. 9 *H.* 5. *ſtat.* 1. *c.* 3. 4 *H.* 6. *c.* 2. 8 *H.* 6. *c.* 13. 23 *H.* 6. *c.* 16. 14 *Ed.* 4. *c.* 2.

ITEM pur ceo qe moutz des gentz ſont delaiez ſibien en action reale come en action perſonel par protection ove clauſe Volumus pur ceo que pluſours gentz ſibien tielx qe ne ſont pas ables deſtre retenuz pur guerre come autres par teſmoignance des governours des marches capitains des gerniſons admiralx & autres purchacent diverſes protections ove clauſe de Volumus & ove clauſe quia profectur' &c. apres qe ple ſoit comence envers eux pur delaier meſme le ple plus qe pur le ſervice le Roi ou aſſez des autres ſufficeantz qe ne ſont pas empledez poent eſtre trovez pur ſervir le Roi en tiel cas & ſovent demoerent en paiis ſanz aler a lour dit ſervice a grant damage des purſuantz & en deſtourbance de commune droit accordez eſt & aſſentuz qe null protection ove clauſe de Profectur' ne ſoit allowe en null plee dont la ſuite ſoit comence devant la date de tiel protection ſi ce ne ſoit en viage en quelle le Roi meſmes paſſe ou autre viage roial ou es meſſages du Roi pur buſoignes du Roialme mes facent tielx empledez lour attournes pur reſpoundre pur eux en tielx plees ou demurgent meſmes ſils voillent. Mes neſt pas lentention de ceſt eſtatut meſqe protection ove clauſe Quia moratur' ſoit alowe en toutz cas come ad eſte fait devant ces heures & ſi aſcun demoerge en paiis ſanz aler a ſon ſervice pur quel il ſoit retenu outre temps covenable apres qil eit aſcun protection ou repeire de meſme le ſervice & le chanceller ſoit ent duement enfourme face repeller tielx protections come ad eſtre fait devant ces heures.

CAP. XVII.

Where he in the Reverſion may be received in a Suit commenced againſt the particular Tenant.

Fitz. Reſceit. 70, 71, 73, 83, 84, 85, 94, 98, 100, 103, 187, 190, 191. 8 Leon. 62.

"ITEM, Becauſe that when Tenants for Term of Life, Tenants in Dower, or by the Law of *England*, or in Tail after Poſſibility of Iſſue extinct, be impleaded, they be often of the Covin of the Demandants, that the Tenements demanded againſt them ſhall be recovered, and they will not pray in Aid, nor vouch to Warranty them in the Reverſion, but plead in chief ſuch a Plea whereby they know well the Tenements ſhall be loſt, in Diſheriſon of them in the Reverſion;" 'it is accorded and aſ-

ITEM pur ce quant tenantz a terme de vie tenantz en dowere ou par la ley dEngleterre ou en la taill apres poſſibilite diſſue exteint ſoient empledez ſont ſovent de covyne de les demandantz qe les tenementz demandez envers eux ſoient recoverez & ne voillent prier en eide ne voucher a garrant ceux en reverſion mes pledent en chief tiel plee par ont ils ſcivent bien qe les tenementz ſerront perduz en deſheritance de ceux en reverſion accordez eſt qe ſi aſcun tiel tenant ſoit empledez & celuy en

reverſion

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reverſion veigne in court & prie deſtre receu a defendre ſon droit a jour qe le tenant plede al action ou devant ſoit receu a pleder en chief al action ſanz aſcun delay prendre par voucher eide prier nonage ou autre delay qeconqe iſſint qe apres tiel receit il neit null manere delaie par protection eſſon du ſervice le Roi commune eſſon nautre delay qeconqe mes ſoit la buſoign haſtie en tant come puiſſe eſtre par ley & qe jours de grace puiſſent eſtre donez par diſcretion des Juges entre le demandant & celuy qeſt receu en tiel cas ſanz doner commune jour en plee de terre ſi le demandant ne voille aſſenter au fyn qe les demandantz ne ſoient trop delaiez par cauſe qe les covent pleder ove deux adverſairs. Et en droit des plees qe ſont ore pendantz en tiel cas ſoient ceux en reverſion receuz en manere come devant eſt dit a prochein jour qe les parties ont en court tout eient meſmes les parties pledez en chief devant ces heures.

Purveu toutfoitz qe ceux en reverſion qe prient deſtre receuz come devant eſt dit trovent ſeurete des iſſues des tenementz demandez pur le temps qe meſmes les demandantz ſoient delaiez apres le plee termine entre les demandantz & les tenantz ſi juggement paſſe pur le demandantz envers ceux en reverſion avaunditz ſibien la ou la receite ſoit contreplede come la ou ele ſoit grante.

‘ ſented, That if any ſuch Tenant be impleaded, and ‘ he in the Reverſion come into the Court, and prayeth ‘ to be received to defend his Right at the Day that the ‘ Tenant pleadeth to the Action, or before, he ſhall ‘ be received to plead in chief to the Action, without ‘ taking any Delay by Voucher, Aid Prayer, Nonage, ‘ or any other Delay whatſoever, ſo that after ſuch ‘ Receipt he ſhall have no Manner Delay by Protection, Eſſoin of the King's Service, common Eſſoin, ‘ nor any other Delay whatſoever, but that the Buſineſs ſhall be haſted in as much as it may be by the ‘ Law; and that Days of Grace be given by the ‘ Diſcretion of the Judges between the Demandant and ‘ him that is received in ſuch Caſe, without giving the ‘ common Day in Plea of Land, if the Demandant ‘ will not aſſent, to the Intent that the Demandants be ‘ not too much delayed, becauſe they muſt plead with ‘ two Adverſaries; and in the Right of Pleas that ‘ be now depending in ſuch Caſe, they in the Reverſion ſhall be received in the Manner aforeſaid, at the ‘ next Day that the Parties have in Court, although ‘ the ſame Parties have pleaded in chief before this ‘ Time.

‘ II. Provided always, That they in the Reverſion ‘ which pray to be received, as before is ſaid, ſhall find ‘ Surety of the Iſſues of the Tenements demanded for ‘ the Time that the ſame Demandants be delayed, after the ſaid Plea determined between the Demandants ‘ and Tenants, if the Judgment paſs for the Demandant againſt them in the Reverſion aforeſaid, as well ‘ where the Receipt is counterpleaded, as where it is ‘ granted.’

He that prayeth to be received, ſhall find Surety of the Iſſues of the Lands in demand. Fitz. Reſceit. 76, 80, 91. 20 Ed. 1. ſtat. 3.

CAP. XVIII.

In which Courts an Attaint may be brought upon a falſe Verdict given in *Lincoln*.

ITEM pur ceo qe a la grevouſe compleint del reverent pier en Dieu leveſqe de Nicole & le Dean & Chapitre de leſgliſe de noſtre Dame de Nicole fait par lour petition a noſtre Seignur le Roi & as Seignurs en ceſt preſent parlement les mair & baillifs de la citee de Nicole par comandement du Roi & aſſent des Seignurs furent comandez & chargez par brief deſtre devant le Roi & ſon conſeill en meſme la parlement a certein jour ove ſufficeant inſtruction & information de tout la matire compris en meſme la petition ove ſufficeant poair & auctorite deſoutz le commune ſeal de la dite citee pur y reſpondre pur eux & la communalte de meſme la citee ſur toutes choſes contenuz en meſme la petition & enoutre pur faire & receivre ce qe par le Roi & ſon dit conſeill ſerroit ordeine en celle partie ſur certeine peine limite el dit brief le tenour de quell petition contenant les grevances faitz as ditz Eveſqe Dean and Chapitre par gentz de Nicole par colour de lour franchiſes eſtoit mande as meſmes les mair & baillifs clos deinz le brief avaundit & coment qe meſmes les mair & baillifs a jour contenuz en le dit brief viendrent devant le Roi & ſon dit conſeill en le parlement ſuſdit ils napporterent mye ſufficeant garrant pur la communalte de la dite citee come ils avoient en comandement par le dit brief Et ſur ce noſtre dit Seignur le Roi del aſſent des Prelatz & des autres Seignurs

“ ITEM, Becauſe that upon the grievous Complaint of the Reverend Father in God the Biſhop of *Lincoln*, and the Dean and Chapiter of the Church of our Lady in *Lincoln*, made by their Petition to our Lord the King, and the Lords in this preſent Parliament; the Mayor and the Bailiffs of the City of *Lincoln*, by the Commandment of the King, and the Aſſent of the Lords, were enjoined and charged by Writ to be before the King and his Council in the ſame Parliament at a certain Day, with ſufficient Inſtruction and Information of all the Matter compriſed in the ſame Petition, with full Power and Authority, under the common Seal of the ſaid City, to anſwer for them, and the Commonalty of the ſaid City, upon all Things contained in the ſame Petition, and further to do and receive that which ſhall be ordained by the King and his Council in that Behalf, upon a certain Pain limited in the ſame Writ; the Tenour of which Petition, containing the Grievances done to the ſaid Biſhop and Chapiter by the People of the City of *Lincoln*, by Colour of their Franchiſe, was ſent to the ſaid Mayor and Bailiffs cloſed within the ſaid Writ; and though the ſaid Mayor and Bailiffs, at the Day contained in the ſame Writ, came before the King and his Council in the Parliament aforeſaid, yet they did not bring any ſufficient Warrant from the Commonalty of the ſaid City, as they had in Commandment by the ſaid Writ; and upon that our ſaid Lord the King, by

3 *Ed.* 1. *c.* 38. 14 *Ed.* 2. *c.* 2. 1 *Ed.* 3. *ſtat.* 1. *c.* 6. 5 *Ed.* 3. *c.* 6 & 7. 28 *Ed.* 3. *c.* 8. 34 *Ed.* 3. *c.* 7. 9 *R.* 2. *c.* 3.

" the Aſſent of the Prelates and other Lords in the " ſame Parliament being, by Default of the Mayor, " Bailiffs, and Commons aforeſaid in that Behalf, hath " proceeded and examined the ſaid Petition, and the

The Inconveniences enſuing of partial Trials of Suits in Lincoln by the People only of the ſame City.

" Grievances therein contained: And alſo becauſe " that a common Clamour hath been, that many of " the King's Lieges often have ſuffered divers Injuries " in the ſaid City, becauſe in Reſpect of Freeholds " within the ſame City, Treſpaſſes, Contracts, and " other Things riſing within the ſame City, triable by " Aſſiſe, Jury, or Inqueſt, have been tried by People " of the ſame City, which be ſo favourable one to ano- " ther, that they doubt not to make falſe Oaths, and " that becauſe they be encouraged, foraſmuch as they " have not been before this Time convict by Foreign-

14 H. 7. f. 13.

" ers, by Colour of their Franchiſe:" ' Our Lord ' the King willing, for the Cauſes aforeſaid, to pro- ' vide for the Quietneſs of the ſaid Church, and full ' Right to be done as well to the ſaid Biſhop, Dean ' and Chapiter, and their Succeſſors, as to all other in ' Time coming, hath ordained and eſtabliſhed, in that ' Behalf, that in Aſſiſes, Juries, and all other Inqueſts ' that ſhall be taken between Party and Party, before ' the Mayor and Bailiffs of the ſame City for the time ' being, if any of the Parties feel himſelf grieved of a ' falſe Oath made by ſuch Aſſiſe, Jury, or Inqueſt, the ' Attaint ſhall be granted to him, and the Record ſent ' by Writ into the King's Bench, or into the Com- ' mon Pleas, and that the Sheriff impanel the Jury of ' ſuch Attaint of Foreigners of the County, without ' ſending to the Franchiſe of the ſaid City, and that ' the Juſtices ſhall take the ſame Jury of the ſame Fo- ' reigners, notwithſtanding any Franchiſe granted to ' the ſame City, or other Uſage to the contrary.'

Explained and altered by 3 H. 5. *ſtat.* 2. *c.* 5.

See farther Index, *tit.* Attaint.

Ex Rot. in Turr. Lond.

en meſme le parlement eſteantz par defaut des a- vantdit mair & baillifs & communalte celle partie ad procedez & examinez la dit petition & les gre- vances contenuz en ycell. Et auxint pur ce qe commune clamour y ad qe plufours des liges le Roi ont ſuffert ſovent diverſes injuries en la dite citee acauſe qe des franks tenementz deinz meſme la citee treſpas contractz & autres choſes ſourdantz deinz meſme la citee triables par aſſiſe jurre ou en- queſte ont eſte triez par gentz de meſme la citee & ſont ſi favorables cheſcun a autre qils ne doutent gers faux ſerement & ce par cauſe qils ſont ſi en- baudez par encheſon qils nont pas eſtez devant ces heures par colour de lour franchiſe convictz par fo- reins noſtre Seignur le Roi voillant pur les cauſes ſuſditz purvoir pur la quiete du dite eſgliſe & plein droit eſtre fait ſibien as ditz Eveſqe Dean & Cha- pitre & lour ſucceſſours come a toutz autres en temps avenir celle partie ad ordeine & eſtabli qen aſſiſes jurrees & toutz autres enqueſtes qe ſerront pris entre partie & partie devant les mair & baillifs de la dite citee qe pur le temps ſerront ſi aſcun des parties ſe pleint de faux ſerement fait par tiel aſſiſe jurre ou enqueſte latteint luy ſoit grante & le record ſoit mande par brief en bank le Roi ou en com- mune bank & qe le viſcont arraie en la jurre de tiel atteinte des foreigns du counte ſanz mander a la franchiſe du dite citee & que les Juſtices preignent meſme la juree de meſmes les foreigns Nient contre- ſteant aſcune franchiſe grante au dite citee ou autre uſage au contraire.

CAP. XIX.

A Confirmation of 13 EDW. 1. *Stat.* 1. *cap.* 47. touching taking of Salmons.

4 Inſt. 51.

" ITEM, Whereas it is contained in the Statute of " *Weſtminſter* the ſecond, that young Salmons ſhall " not be taken nor deſtroyed by Nets, nor by other " Engines, at Mill-dams, from the Midſt of *April* till " the Nativity of St. *John Baptiſt*, upon a certain Pain " limited in the ſame Statute;" ' it is accorded and ' aſſented, That the ſaid Statute be firmly holden and ' kept, joyning to the ſame, That young Salmons ' ſhall not be taken, during the ſaid Time, at Mill- ' dams, nor in other Places, upon the ſame Pain.

There ſhall be no Devices practiſed whereby the Fry of Fiſh ſhall be deſtroyed.

' And that no Fiſher, or Garth-man, nor any other, ' of what Eſtate or Condition that he be, ſhall from ' henceforth put in the Waters of *Thamiſe*, *Humber*, ' *Ouſe*, *Trent*, nor any other Waters of the Realm by ' the ſaid Time, nor in other Time of the Year, any ' Nets called Stalkers, nor other Nets nor Engines ' whatſoever they be, by the which the Fry or the ' Breed of the Salmons, Lampreys or any other Fiſh, ' may in any wiſe be taken or deſtroyed, upon the Pain ' aforeſaid.' " And alſo where it is contained in " the ſame Statute, that all the Waters in the which " Salmons be taken within the Realm, ſhall be put in " Defence as to the taking of Salmons, from the Day " of the Nativity of our Lady, until St. *Martin*'s

What Time of the Year the Rivers in the

" Day;" ' it is ordained and aſſented, That the ' Waters of *Lon*, *Wyre*, *Merſee*, *Rybbyl*, and all other

ITEM come contenuz ſoit en leſtatut de Weſtm' ſecond qe ſalmonceux ne ſoient priſes ne de- ſtruitz par rees ne par autres engines a leſtankes de molyns de mye April tanqal Nativite de Seint Johan le Baptiſtre ſur certeine peine limite en meſ- me leſtatut accordez eſt & aſſentuz qe le dit eſtatut ſoit fermement tenuz & gardez adjouſte a ycell qe ſalmonceux ne ſoient priſes par le dit temps a le- ſtankes des molyns ne aillours ſur meſme la peine & qe null peſchour ne garthman ne null autre de quell eſtat ou condition qils ſoit ne mette deſore enavant en les ewes de Thamiſe Humbre Ouſe Trente ne null autree ewe du Roialme par le dit temps ne par null autre temps del an aſcuns rees appellez ſtalkers nautres rees nengines queconqes par les quelles le frie ou brood des ſalmons laum- preis ou dautre peſſon queconqe purra en aſcun ma- nere eſtre pris ou deſtruit ſur la peine ſuiſdite. Et auxint come contenuz ſoit en meſme leſtatut qe toutz les ewes es queux ſalmons ſont priſes en le Roialme ſoient miſes en defens qant al priſe des ſalmons del jour de la nativite de noſtre Dame tan- qal jour de Seint Martyn ordeignez eſt & aſſentuz qe les ewes de Lone Wyre Merſee Ribbill & toutz autres

Ex Rot. in Turr. Lond.

autres ewes el countee de Lancaſtree ſoient miſes en defenſe qant al priſe des ſalmons del jour de Seint Michael tanqe al jour de la Purification de noſtre Dame & en null autre temps del an a cauſe qe le ſalmons ne ſont pas ſeiſonables en les ditz ewes par le temps ſuiſdite. Et es parties ou tielx rivers ſont ſoient aſſignez & jurrez bones & ſufficeantz conſervatours de ceſt eſtatut come eſt ordeignez en le dit eſtatut de Weſtm' & qils puniſſent les treſpaſſours ſolonc la peine contenuz en meſme leſtatut ſanz aſcun favour ent faire.

'Waters in the County of *Lancaſter*, be put in Defence, as to the taking of Salmons, from *Michaelmas* Day to the *Purification* of our Lady, and in no other Time of the Year, becauſe that Salmons be not ſeaſonable in the ſaid Waters in the Time aforeſaid. And in the Parts where ſuch Rivers be, there ſhall be aſſigned and ſworn good and ſufficient Conſervators of this Statute, as it is ordained in the ſaid Statute of *Weſtminſter*, and that they ſhall puniſh the Offenders after the Pain contained in the ſame Statute, without any Favour thereof to be ſhewed.'

County of Lancaſter ſhall be in Defence.

Conſervators of this Statute, and their Authority.

See farther Proviſions in Index, tit. Fiſh, Salmon.

CAP. XX.

What Sort of Perſons only may paſs forth of the Realm without the King's Licence, and at what Ports.

Rep. 21 Jac. 1. c. 28.
9 *Ed.* 3. *ſtat.* 2. c. 8.

REX vicecomiti Kanc' ſalutem. Quedam ſtatuta per nos de aſſenſu Magnatum & Communitatum regni noſtri Anglie in parliamento noſtro apud Weſtm' die Lune proximo poſt feſtum ſancti Hilarii ultimo preteritum tento facta que tibi mittimus ſub magno ſigillo noſtro in forma patenti tibi precipimus quod infra comitatum predictum in locis ubi magis expediens fuerit ſine dilatione legi & publice ex parte noſtra proclamari ac firmiter teneri & obſervari facias juxta formam ſtatutorum predictorum. Et hoc ſub incumbenti periculo nullatenus omittas.

T. R. apud Weſtm' xvi. die Maii.

Conſimilia brevia diriguntur ſingulis vicecomitibus per Angliam ac Johanni Duci Aquitanie & Lancaſtre vel ejus Cancellario in dicto ducatu Lancaſtrie.

Other Statutes made at Weſtminſter, Anno 13 RICH. II. *Stat.* 2. *and* Anno Dom. 1389.

CAP. I.

In a Pardon of Murder, Treaſon, or Rape, the Offence committed ſhall be ſpecified. The Forfeiture of him at whoſe Suit ſuch a Pardon is obtained.

Ex Rot. in Turr. Lond. *m.* 10.

NOSTRE Seignur le Roi a ſon parlement tenuz a Weſtm' Lundy prochein apres le feſt de Seint Hiller lan de ſon regne treſziſme oie la grevouſe compleint de ſa communalte en meſme le parlement des outrageouſes meſcheifs & damages qe ſont avenuz a ſon dit Roialme pur ceo qe treſones murdres & rapes des femmes ſont trop communement faitz & perpetres & ceo le plus pur ceo qe chartres de pardon ont eſte trop legerement grauntez en tieux caſes la dite commune pria a noſtre Seignur le Roi qe tieux chartres ne fuiſſent mes grauntez a qoi noſtre Seignur le Roi reſpondy qil vorroit ſalver ſa libertee & regalie come ſes progenitours ont fait devant ces heures mes pur la greindre quiete & pees nurrir deinz ſon Roialme del aſſent des grantz & nobles en meſme le parlement eſteantz ad grantee qe null chartre de pardon deſore ſoit alowe devant qiconqes Juſtices pur murdre mort de homme occys par agait aſſaut ou malice prepenſe treſon ou rape de femme ſi meſme le murdre ou mort de homme occys par agait aſſaut ou malice prepenſe treſon ou rape de femme ne ſoient eſpecifiez en meſme la chartre. Et ſi la chartre de mort de homme ſoit alegge devant qiconqes Juſtices en quelle chartre ne ſoit eſpecifie qe celuy de qi mort aſcun tiel ſoit arreigne feuſt

"OUR Lord the King, at his Parliament holden at *Weſtminſter* the *Monday* next after the Feaſt of Saint *Hillary*, the thirteenth Year of his Reign, hearing the grievous Complaint of his ſaid Commons in the ſame Parliament, of the outrageous Miſchiefs and Damages which have happened to his ſaid Realm, for that Treaſons, Murders, and Rapes of Women be commonly done and committed, and the more becauſe Charters of Pardon have been eaſily granted in ſuch Caſes;" 'the ſaid Commons requeſted our Lord the King, That ſuch Charters might not be granted; to whom the King anſwered, That he will ſave his Liberty and Regality, as his Progenitors have done heretofore; but to nouriſh the more Quietneſs and Peace within his Realm, by the Aſſent of the great Men and Nobles, being in the ſame Parliament, he hath granted, That no Charter of Pardon from henceforth ſhall be allowed before any Juſtice for Murder, or for the Death of a Man ſlain by Await, Aſſault, or Malice prepenſed, Treaſon, or Rape of a Woman, unleſs the ſame Murder, Death of the Man ſlain by Await, Aſſault, or Malice prepenſed, Treaſon, or Rape of a Woman, be ſpecified in the ſame Charter. And if a Charter of the Death of a Man be alledged before any Juſtices, in which Charter it is not ſpecified, that

Keyling 125. Bro. Chart. 10. Plow. 401.

Ex Rot. in Turr. Lond. *m.* 10.

'that he of whoſe Death any ſuch is arraigned, was 'murdered or ſlain by Await, Aſſault, or Malice pre-'penſed, the ſame Juſtices ſhall inquire, by a good 'Inqueſt, of the *viſne* where the Dead was ſlain, if he 'were murdered or ſlain by Await, Aſſault, or Malice 'prepenſed, and if they find that he was murdered or 'ſlain by Await, Aſſault, or Malice prepenſed, the 'Charter ſhall be diſallowed, and further it ſhall be 'done as the Law commandeth. And if any be a 'Suitor,' &c.

murdres ou occis par agait aſſaut ou malice prepenſe enquergent les Juſtices par bone enqueſt del viſne ou la mort fuiſt occys ſil fuiſt murdre ou occys par agait aſſaut ou malice prepenſe & ſils trovent qil fuiſt murdy ou occys par agait aſſaut ou malice prepenſe ſoit la chartre diſalowe & ſoit fait outre ſolonc ceo qe la ley demande. Et ſi aſcun prie au Roi pur chartre de pardon pur murdre mort de homme occys par agait aſſaut ou malice prepenſe treſon ou rape de femme ſi le Chamberleyn endoſe tiel bille ou face endocer mette le noun de celuy qe pria pur tiele chartre ſur meſme la bille ſur peine de $\frac{1}{M}$ marcz & ſi le Southchamberlein endoſe tielle bille face ſemblablement ſur peine de cynk centz marcz & qe null autre qe Chamberleyn ou Southchamberlein endoſe ne face endoſer nul tielle bille ſur peine de $\frac{1}{M}$ marcz & qe tielle bille ſoit envoie & directe al Gardeyn du prive ſeal & qe null garant du prive ſeale ſoit fait pur tiel chartre avoir ſinon qe le Gardeyn de prive ſeal eit tielle bille endoſe ou ſigne par le Chamberleyn ou Southchamberleyn come deſuis eſt dit. Et qe null chartre de pardon de treſon ne dautre felonie paſſe la Chauncellarie ſanz garant du prive ſeale forſqe en cas ou le Chaunceller lepuiſſe grantier de ſon office ſanz ent paller au Roi. Et ſi celuy a qi prier aſcune chartre de pardon pur murdre mort de homme tue par agait aſſaut ou malice prepenſe treſon ou rape de femme ſoit grante ſoit Archeveſqe ou Duc paie au Roi $\frac{1}{M}$ livres & ſil ſoit Eveſqe ou Count paie au Roi $\frac{1}{M}$ marcz & ſil ſoit Abbe Priour Baron ou Bânneret paie au Roi cynk centz marcz & ſil ſoit Clerc Bacheler ou autre de meyndre eſtat de quele condition qil ſoit paie au Roi deux centz marcz & eit lempriſonement dun an.

Rep. *in Part* by 16 R. 2. c. 6.

No Pardon of Treaſon or Felony ſhall paſs without Warrant of the Privy Seal.

CAP. II.

A Confirmation of the Statute of Proviſors, made *Anno* 25 EDW. 3. *Stat.* 6. and the Forfeiture of him that accepteth a Benefice contrary to that Statute.

1 Roll. 10, 92.

"ITEM, Whereas the noble King EDWARD, "Grandfather to our Lord the King that now is, "at his Parliament holden at *Weſtminſter* at the *Utas* "of the *Purification* of our Lady, the five and twen-"tieth Year of his Reign, cauſed to be rehearſed the "Statute made at *Carleil* in the Time of King ED-"WARD, Son of King HENRY, touching the Eſtate "of the holy Church of *England*; the ſaid Grandfa-"ther of the King that now is, by the Aſſent of the "Great Men of his Realm, being in the ſame Parlia-"ment, holden the ſaid five and twentieth Year, to "the Honour of GOD and of holy Church, and of all "his Realm, did ordain and eſtabliſh, that the free "Elections of Archbiſhopricks, Biſhopricks, and all "other Dignities and Benefices elective in *England*, "ſhould hold from thenceforth in the Manner as they "were granted by his Progenitors, and by the Ance-"tors of other Lords Founders: And that all Pre-"lates and other People of holy Church, which had "Advowſons of any Benefices of the Gift of the King, "or of his Progenitors, or of other Lords and Donors, "ſhould freely have their Collations and Preſentments; "and thereupon a certain Puniſhment was ordained in "the ſame Statute for them which accept any Benefice "or Dignity contrary to the ſaid Statute made at *Weſt-"minſter* the ſaid twenty-fifth Year as afore is ſaid; "which Statute our Lord the King hath cauſed to be "recited in this preſent Parliament at the Requeſt of "his Commons in the ſame Parliament, the Tenor "whereof is ſuch as hereafter followeth;" 'Whereas 'late in the Parliament of good Memory of EDWARD, 'King of *England*, &c.' [*rehearſing the whole Statute made the ſaid Twenty-fifth Year.*]---And then thus: 'Our Lord the King that now is, of the Aſſent of 'the great Men of his Realm, being in this preſent 'Parliament, hath ordained and eſtabliſhed, That for

For all Benefices which ſhall be void after the 29th of January, An. 13 R. 2.

ITEM come le noble Roi EDWARD Aiel noſtre Seignur le Roi qor eſt a ſon parlement tenuz a Weſtm' al oetaves del Purification noſtre Dame lan de ſon regne vynt & quynt fiſt reciter leſtatut fait a Kardoile en temps ſon Aiel le Roi EDWARD fitz au Roi HENR' touchant leſtat de ſeint eſgliſe dEngleterre le dit Aiel noſtre Seignur le Roi qore eſt del aſſent des grantz de ſon Roialme en meſme le parlement tenuz le dit an vynt & quynt eſteantz al honour de Dieu & de ſeint eſgliſe & de tout ſon Roialme ordeigna & eſtabliſt qe franks elections des Ercheveſchies Eveſchies & touz outres dignitees & benefices electives en Engleterre ſe tendroient delors en manere come eles feurent grauntez par ſes progenitours & par les aunceſtres des autres Seignurs foundours & toutz prelates & autres gentz de ſeint eſgliſe qe avoient avoweſons de qiconqes benefices de don le Roi ou de ſes progenitours ou dautres Seignurs & donours euſſent franchement lour collations & preſentementz & ſur ceo certein punyſſement eſtoit ordeigne en meſme leſtatut pur ceux qe acceptont aſcun dignite ou benefice au contraire du dit eſtatut fait a Weſtm' le dit an xxv. come devaunt eſt dit le quele eſtatut noſtre Seignur le Roi ad fait recitier en ceſt preſent parlement al requeſt de ſa communalte en meſme le parlement la tenure de quele eſtatut eſt tiel come ſy enſuyt: "Come jadys en le parlement" &c. [*prout*, St. 25. E. 3. St. 6. fol. 279. *uſque* Et doit ceſt eſtatut tenir lieu comenceant al oetaves ſuiſditz.] Et outre ce noſtre dit Seignur le Roi qore eſt de laſſent des grantz de ſon Roialme eſteantz en ceſt preſent parlement ad ordeigne & eſtabli qe de toutz Erceveſchees Eveſchees & autres dignities & benefices electives & autres benefices de Seint eſgliſe qeconqes qe comencerent deſtre voidez de fait le vint &

noefiſme

Ex Rot. in Turr. Lond.

noefiſme jour de Januer lan du regne noſtre dit Seignur le Roi RICHARD treſziſme ou puis ou qe ſe voidront en temps avenir deinz le Roialme dEngleterre le dit eſtatut fait dit an xxv. ſoit fermement tenuz pur touz jours & mys en due execution de temps en temps en toutz pointz. Et ſi aſcun face aſcun acceptation daſcun benefice de Seint eſgliſe a contrarie de ceſt eſtatut & ce duement prove & ſoit depar dela demurge exile & banny hors du Roialme pur toutz jours & ſes terres tenementz biens & chateux forfaitz au Roi & ſil ſoit deinz le Roialme ſoit il auxi exile & banny come devant eſt dit & encourge meſme la forfaiture & preigne ſon chemyn iſſint qil ſoit hors du Roialme deinz ſys ſemaignes procheins apres tiel acceptation. Et ſi aſcun receite aſcun tiel banny venant depar dela ou eſteantz deinz le Roialme apres les ſys ſemaignes avauntdit coniſant de ce ſoit auxint exile & banny & encourge autiel forfaiture come devaunt eſt dit. Et qe lour procuratours notairs executours & ſomonours eient la forfeiture & peyne ſuſditz.

Purveu nepurqant qe toutz yceux as queux noſtre Seint piere le Pape au ſes predeceſſours ont purveu aſcun Erceveſchee Eveſchee ou autre dignitee ou benefices electives ou autres benefices de Seint eſgliſe del patronage des gentz de Seint eſgliſe a cauſe de voidance devant le dit xxix jour de Januer & ent furent en corporel poſſeſſion devaunt meſme le xxix. jour eient & enjoient lour ditz Erceveſchees Eveſchees dignites & benefices peiſiblement pur lour vies nient contreſteantz les eſtatutz & ordinance avantditz. Et ſi le Roi envoi par lettre ou en autre manere a la courte de Rome al excitation daſcune perſone ou ſi aſcun autre envoie ou prie a meſme la courte parount qe la contrarie de ceſt eſtatut ſoit fait touchant aſcun Erceveſchee Eveſchee dignite ou autre benefice de Seint eſgliſe deinz le dit Roialme ſi cely qe fait tiel excitation ou tiel prier ſoit Prelate de Seinte eſgliſe paie au Roi le value de ſes temporaltees dun an & ſil ſoit Seignur temporel paie au Roi le value de ſes terres & poſſeſſions nient moebles dun an. Et ſil ſoit autre perſone deſtate pluis bas paie au Roi la value du benefice pur quel tiel prier ſoit fait & eit la priſone dun an. Et eſt lentention du ceſt eſtatut qe de toutz dignites & benefices de Seint eſgliſe qeſtoient voidez de fait le dit xxix. jour de Januer queux ſont donez ou as queux ſoit purveu par lappoſtoill devaunt meſme le xxix. jour qe ceux as queux tielx douns ou proviſions ſoient faitz puiſſent franchement des tiels douns & proviſions ſuer execution ſanz offence de ceſt eſtatut. Purveu toutzfoitz de qe nulle dignite ou benefice qeſtoit plein le dit xxix. jour de Januer null a cauſe daſcun don collation reſervation & proviſion ou dautre grace de lappoſtoill queconqe nient execute devaunt le dit xxix. jour ne ſue ent execution ſur les peynes contenuz en ceſt preſent eſtatut.

'all Archbiſhopricks, Biſhopricks, and other Dignities and Benefices elective, and all other Benefices of holy Church, which ſhall have begun to be void in Deed the twenty-ninth Day of *January*, the thirteenth Year of the Reign of our Lord King RICHARD that now is, or after, or which ſhall be void in Time to come within the Realm of *England* the ſaid Statute made the ſaid twenty-fifth Year ſhall be firmly holden for ever, and put in due execution from time to time in all manner of Points. And if any do accept of a Benefice of holy Church contrary to this Statute and that duly proved, and be beyond the Sea, he ſhall abide exiled and baniſhed out of the Realm for ever, his Lands and Tenements, Goods and Chattels ſhall be forfeit to the King; and if he be within the Realm, he ſhall be alſo exiled and baniſhed, as afore is ſaid, and ſhall incur the ſame Forfeiture and take his Way, ſo that he be out of the Realm within ſix Weeks next after ſuch Acceptation. And if any receive any ſuch Perſon baniſhed coming from beyond the Sea, or being within the Realm after the ſaid ſix Weeks, knowing thereof, he ſhall be alſo exiled and baniſhed, and incur ſuch Forfeiture as afore is ſaid. And that their Procurators, Notaries, Executors, and Summoners have the Pain and Forfeiture aforeſaid.'

the Statute of 25 Ed. 3. ſtat. 6. of Proviſors, ſhall be put in Execution.

If any do accept of a Benefice contrary to the ſaid Statute of 25 Ed. 3. ſtat. 6. he ſhall be baniſhed the Realm.

The Puniſhment of the Receivers, Procurators, &c. of Offenders.

'II. Provided nevertheleſs, That all they to whom the Pope of *Rome*, or his Predeceſſors, have provided any Archbiſhoprick, Biſhoprick, or other Dignity or Benefices elective, or other Benefices of holy Church, of the Patronage of People of holy Church, in reſpect of any Voidance before the ſaid *xxix* Day of *January*, and thereof were in actual Poſſeſſion before the ſame *xxix* Day, ſhall have and enjoy the ſaid Archbiſhopricks, Biſhopricks, Dignities, and other Benefices peaceably for their Lives, notwithſtanding the Statutes and Ordinances aforeſaid. And if the King ſend by Letter, or in other Manner to the Court of *Rome*, at the Intreaty of any Perſon, or if any other ſend or ſue to the ſame Court, whereby any Thing is done contrary to this Statute, touching any Archbiſhoprick, Biſhoprick, Dignity, or other Benefice of holy Church within the ſaid Realm, if he that maketh ſuch Motion or Suit be a Prelate of holy Church, he ſhall pay to the King the Value of his Temporalties of one Year: And if he be a Temporal Lord, he ſhall pay to the King the Value of his Lands and Poſſeſſions not moveable of one Year; and if he be another Perſon of a more mean Eſtate, he ſhall pay to the King the Value of the Benefice for which Suit is made, and ſhall be impriſoned one Year. And it is the Intent of this Statute, that of all Dignities and Benefices of holy Church, which were void indeed the ſaid *xxix* Day of *January*, which be given, or to whom it is provided by the Pope of *Rome* before the ſame *xxix* Day, that they to whom ſuch Gifts or Proviſions be made, may freely of ſuch Gifts and Proviſions ſue Execution without Offence of this Statute. Provided always, That of no Dignity or Benefice which was full the ſaid *xxix* Day of *January*, no Man becauſe of any Collation, Gift, Reſervation, and Proviſion, or other Grace Papal, not excepted before the ſaid *xxix* Day, ſhall not ſue thereof Execution, upon the Pains and Forfeitures contained in this preſent Statute.'

Beneficed Perſons, unto whom the Pope had before given Dignities of the Church, excepted.

The Penalty of ſuing to the Court of Rome to infringe the Purport of this Statute.

Benefices full of an Incumbent 29 Die Jan. and 13 R. 2. *Enforced by* 2 H. 4. c. 3. 5 H. 4. c. 8. *and* 3 H. 5. *ſtat.* 2. c. 4. *See farther* 16 R. 2. c. 5. *which makes it Premunire to purchaſe Bulls and other Inſtruments from Rome, &c. See likewiſe* 5 El. c. 1. *and* 13 El. c. 2. *againſt maintaining the Authority of the See of Rome, or bringing Bulls, &c. from thence.* Raſt. 465.

CAP. III.

The Penalty of him which bringeth a Summons or Excommunication againſt any Perſon upon the Statute of Proviſors, and of a Prelate executing it.

'ITEM, It is ordained and eſtabliſhed, That if any 'Man bring or ſend within the Realm, or the 'King's Power, any Summons, Sentences, or Ex-'communications againſt any Perſon, of what Condi-'tion that he be, for the Cauſe of making Motion, 'Aſſent, or Execution of the ſaid Statute of Proviſors, 'he ſhall be taken, arreſted, and put in Priſon, and 'forfeit all his Lands and Tenements, Goods and 'Chattels for ever, and incur the Pain of Life and of 'Member. And if any Prelate make Execution of 'ſuch Summons, Sentences, or Excommunications, 'that his Temporalties be taken and abide in the 'King's Hands, till true Redreſs and Correction be 'thereof made. And if any Perſon of leſs Eſtate 'than a Prelate, of what Condition that he be, make 'ſuch Execution, he ſhall be taken, arreſted, and put 'in Priſon, and have Impriſonment, and make Fine 'and Ranſom by the Diſcretion of the King's 'Council.'

Ex Rot. in Turr. Lond.

ITEM ordeigne eſt & eſtabli qe ſi aſcun port ou envoie deinz le Roialme ou le poair noſtre dit Seignur le Roy aſcun ſomonces ſentences ou eſcomengement envers aſcun perſone de quel condition qil ſoit a cauſe de la motion feſance aſſent ou execution du dit eſtatut des Proviſours ſoit il pris & areſtuz & mys en priſone & forface toutz ſes terres & tenements biens & chateux pur touz jours & outre encourge la peyne de vie & de membre. Et ſi aſcun Prelat face execution des tieux ſomonces ſentences ou eſcomengementz qe ſes temporaltes ſoient priſes & demurgent es mayns noſtre dit Seignur le Roy tanqe due redreſſe & correction en ſoit fait. Et ſi aſcun perſon de meyndre eſtate qe Prelat de quel condition qil ſoit face tiel execution ſoit pris & areſtuz & mys en priſon & eit empriſonement & face fyn & raunceon ſolonc la diſcretion du conſeill noſtre dit Seignur le Roy.

REX vicecomiti Kanc' ſalutem. Precipimus tibi firmiter injungentes quod quedam ſtatuta & ordinationes per nos de aſſenſu Magnatum & Communitatum regni noſtri Anglie in parliamento noſtro apud Weſtm' ultimo tento facta que tibi mittimus ſub magno ſigillo noſtro in forma patenti infra comitatum tuum in locis ubi magis expediens fuerit ſine dilatione legi & publice ex parte noſtra proclamari ac firmiter teneri & obſervari facias juxta formam ſtatutorum & ordinationum predictorum. Et hoc ſub incumbenti periculo nullatenus omittas.

3 Inſt. 100. *See the References to the foregoing Chapter.*

Teſte rege apud Weſtm' xv. die Maii.

Conſimilia brevia diriguntur ſingulis vicecomitibus per Angliam.

An Ordinance made at *Weſtminſter* to prevent Maintenance in Judicial Proceedings. 13 RICH. II. Stat. 3 *.

Ex Rot. in Turr. Lond. *m.* 8.

1 R. 2. c. 7. LE Roi al viſcont de Kent ſalutz. Come par les leyes & cuſtumes de noſtre Roialme queux nous ſumes tenuz a garder per ſerement fait a noſtre coronement touz noz lieges deinz meſme le Roiaume ſibien povres come riches deuſſent franchement ſuer defender reſceyver & avoir juſtice & droit & acompliſſement & execution dicelles en quelconqes noz courtes & aillours ſanz eſtre deſtourbez ou oppreſſez par maintenance manace ou autre manere queconqe & ore eſt einſy qen pluſours noz parlementz tenuz devant ces heures & meement es parlementz darrein tenuz a Canterbr' & Weſtm' grevous pleint & grant clamour nous ad eſte faite ſibien par Seignurs eſpirituelx & temporels come par les Communes de noſtre dit Roialme des grantz & outrageouſes oppreſſions & maintenances faitz en damage de nous & de noſtre poeple en diverſes parties de meſme le Roiaume par diverſes maintenours menours barettours procurours & embraceours de quereles & enqueſtes en paiis des queux pluſours ſount le pluis embaudez & hardyz en lour maintenance & malveſtees ſuiſditz pur ceo qils ſont de retenue des Seignurs & autres de noſtre dit Roiaume as fees robes & autres liverees appel'ez liverees de compaignie Si avons ordenez & eſtroitement defenduz de ladvys de noſtre grant conſeil qe null Prelat nautre homme de Seint eſgliſe ne bachiler ne eſquier nautre de meyndre eſtat ne donne nulle manere de tiel liveree appelle liveree de compaignie & qe nul Duc Cont Baron ou Baneret ne donne tiel liveree de compaignie a chivaler ne eſquier fil ne ſoit retenuz oveſqe luy a terme de vie pur pees & guerre par endenture ſanz fraude ou male engyne ou qe ſoit meſnal & familier demurant en ſon hoſtell ne a nul vallet appellez yoman archer nautre de meindre eſtat qe eſquier fil ne ſoit enſement familier demurant en ſon hoſtell. Et qe toutz Seignurs eſpirituels & temporels & toutz autres de quele condition ou eſtat qils ſoient ouſtent tout outrement touz tielx meyntenours menours barettours procurours & embraceours de quereles & enqueſtes de lour fees robes & touz maneres liverees & de lour ſervice com-

* First publiſhed by Mr. Serjeant Hawkins.

Ex Rot. in Turr. Lond. *m.* 8.

paignie & retenue ſanz aſcun tiel receivre a lour retenu en quelconqe manere en temps avenir & qe null Seignur eſpirituel ne temporel ne nul autre qad ou avera gentz de ſa retenue ne ſoeffre nuls qe ſoient devers luy eſtre maintenour menour barettour procurour ou embraceour des quereles & enqueſtes en paiis en null manere mes les ouſte de ſon ſervice & retenue come devant eſt dit a plus toſt qil poet ent eſtre aſcartein. Et qe ſi aſcun Seignur ouſte aſcun tiel maintenour menour barettour procurour ou embraceour de ſa compaignie pur celle cauſe qe adonqes nul autre Seignur luy reteigne ne receive de ſa retenue ne de ſa compaignie en nul manere. Et qe null de noz lieges grant ne petit de quele condition ou eſtat qil ſoit ſoit il de retenue daſcun Seignur ou autre perſone queconqe qe ne ſoit mye de retenue nenpreigne querele autre qe ſa propre ne la maintiegne par luy ne par autre en prive nen appert. Et qe touz yceux qe uſent & portent tiel liveree appelle liveree de compaignie a contraire de ceſte noſtre ordenance les leſſent tout outrement deinz dys jours apres la proclamation de meſme ceſte ordenance ſanz les plus uſer ou porter en apres. Et qe ceſte noſtre ordenance ſoit tenue & fermement garde & duement execute en touz pointz ſibien par ceux qont ou averont gentz de lour retenue come par touz autres perſones en ce qe a eux apartient touchant meſme ceſte ordenance ſur peine dempriſonement fyn & raunceon ou deſtre puniz en autre manere ſolonc ceo qe ſoit avis a nous & a noſtre conſeil pur qoi vous mandons & chargeons qe maintenant veuez ceſtes ſi facez publier & proclamer ceſte noſtre ordenance en citees burghs villes merchantz & autres lieux publikes deinz voſtre baillie ſibien deinz franchiſe come dehors & le facez eſtre tenuz & duement executz en touz pointes. Don ſouz noſtre grant ſeal a Weſtm' le xii. jour de Maii.

See farther 7 R. 2. c. 15. 20 R. 2. c. 1. and 32 H. 8. c. 9. which inflict Penalties on Maintenance.

Per ipſum Regem & concilium.

Conſimilia brevia diriguntur ſingulis vicecomitibus per Angliam.

Statutes made at Weſtminſter, Anno 14 RICH. II. *and* Anno Dom. 1390.

Ex Rot. in Turr. Lond. *m.* 8.

PUR relevation & encreſſe du commune profit du Roialme dEngleterre & des terres de Gales & dIrland qad eſte en diverſe manere grantement arieriſſe en temps paſſe ſy ad noſtre Seignur le Roy a ſon parlement tenuz a Weſtm' lendemayn de Seint Martyn lan de ſon regne quatorziſme ordeigne & eſtabli delaſſent de ſon dit parlement les choſes deſouz eſcriptz.

" FOR the Relief and Increaſe of the common
" Profit of the Realm of *England*, and of the
" Lands of *Wales* and *Ireland*, which have been
" in divers Manners greatly hindered in Times paſt;
" our Lord the King, at his Parliament holden at
" *Weſtminſter* the Morrow of St. *Martin*, the Four-
" teenth Year of his Reign, hath ordained and eſta-
" bliſhed, by the Aſſent of the ſaid Parliament, the
" Things under-written."

CAP. I.

The Staple ſhall be removed from *Calice* into *England*. Every Alien Merchant ſhall beſtow half the Money received upon the Commodities of this Realm.

EN primes qe leſtaple ſoit remuez de Caleys en Engleterre iſſint qil ſoit en Engleterre Lundy proſchein apres le feſt de la Tiffanie a pluiſtard & qil ſoit tenuz es lieux contenuz en leſtatut de leſtaple fait lan xxvii. laiel noſtre dit Seignur le Roy & en null autre lieu. Et qe le dit eſtatut ſoit tenuz & gardez & duement execut en toutz pointz ove les additions deſouz eſcriptz Nient contreſteant aſcune declaration ou eſtatut fait depuis a contraire ceſtaſſavoir qe cheſcune perſone aliene de quelle degre ou condition qil ſoit qameſne aſcune merchandiſe en Engleterre trove ſufficeante ſeurete devant les cuſtumers el port ou la dite merchandiſe ſerra ameſne dachater autre merchandiſe a la value de la moite du dite merchandiſe iſſint ameſne au meyns come leyns quirs peaux lanutz plumb eſteyin bure furmage draps ou autres commoditees de la terre.

' FIRST, That the Staple be removed from *Calice* into *England*, ſo that it be in *England* the *Monday* next after the Feaſt of the *Epiphany* at the furtheſt: And that it be holden in the Places contained in the Statutes of the Staple, made in the ſeven and twentieth Year of the King's Grandfather that now is, and in none other Place. And that the ſaid Statute be firmly and ſurely holden, and duly executed in all Points, with the Additions underwritten, notwithſtanding any Declaration or Statute made ſince to the contrary, that is to ſay, That every Perſon Alien, of what Degree or Condition that he be, that bringeth any Merchandiſe into *England*, ſhall find ſufficient Sureties before the Cuſtomers, in the Port where the Merchandiſe ſhall be brought, to buy other Merchandiſe, to the Value of half the ſaid Merchandiſes ſo brought at the leaſt, as Wools, Leather, Woolfels, Lead, Tin, Butter, Cheeſe, Cloths, or other Commodities of the Land.'

27 Ed. 3. ſtat. 2. c. 1. 2 Inſt. 741.

Altered by 4 H. 4. c. 15.

See farther 27 H. 6. c. 3. 17 Ed. 4. c. 1.

3 H. 7. c. 8. *which direct that Alien Merchants ſhall beſtow all their Money on Commodities of the Realm.*

CAP. II.

Upon Exchanges by Aliens, other Commodities of the Realm ſhall be bought.

Ex Rot in Turr. Lond.

See 11 H. 4. c. 8. 9 H. 5. ſtat. 2. c. 9. *containing farther Proviſions concerning Exchanges.*

'ITEM, That for every Exchange that ſhall be made by Merchants to the Court of *Rome*, or elſewhere, that the ſaid Merchants be firmly and ſurely bound in the Chancery, to buy within three Months after the ſaid Exchange made, Merchandiſes of the Staple, as Wools, Leather, Woolfels, Lead or Tin, Butter or Cheeſe, Cloths, or other Commodities of the Land, to the Value of the Sum ſo exchanged, upon pain of Forfeiture of the ſame.'

ITEM qe pur cheſcun eſchaunge qe ſerra fait par merchantz a la court de Rome ou aillours qe les ditz merchantz ſoient fermement & ſurement liez en la Chancellarie dachater deinz trois moys apres la dite eſchaunge faite merchandiſes de leſtaple come leyns quirs peaux lanutz & plumb ou eſteyin bure furmage draps ou autres commoditees de la terre a la value de la ſomme iſſint eſchaunge ſur forfaiture dycelle.

CAP. III.

Officers of the Staple ſhall be firſt ſworn to the King, and then to the Staple.

27 Ed. 3. ſtat. 2. c. 23.

ITEM qen cheſcun lieu & port ou leſtaple ſerra les mairs coneſtables brogours & toutz autres officers & miniſtres de leſtaple ſoient jurrez primerement au Roi & puis a leſtaple.

CAP. IV.

Of whom Denizens may buy Wools, and where; but they ſhall not regrate them.

Rep. 21 Jac. 1. c. 28.

CAP. V.

No Denizen ſhall tranſport any Merchandiſe of the Staple forth of the Realm.

O B. 27 Ed. 3. ſtat. 2. c. 3.

CAP. VI.

Engliſh Merchants ſhall freight only in *Engliſh* Ships.

5 R. 2. ſtat. 1. c. 3. 6 R. 2. c. 8. 4 H. 7. c. 10.

'ITEM, That all Merchants of the Realm of *England* ſhall freight in the ſaid Realm the Ships of the ſaid Realm, and not ſtrange Ships; ſo that the Owners of the ſaid Ships take reaſonable Gains for the Freight of the ſame.'

ITEM qe toutz les merchants de Roialme dEngleterre frettent en le dit Roialme les nieſs du dit Roialme & nemye nieſs eſtraunges iſſint qe les poſſeſſours des ditz nieſs preignent reſonablement pur le frette dicelles.

See 1 Eliz. c. 13. 5 *Eliz. c.* 5. *and* 13 *Eliz. c.* 15. *containing farther Proviſions concerning Engliſh Shipping.*

CAP. VII.

Tin ſhall paſs forth of the Realm only at *Dartmouth*.

Rep. 21 Jac. 1. c. 28.

CAP. VIII.

No Perſon ſhall be impeached for not gauging of *Rheniſh* Wine.

See 18 H. . c. 17. 1 R. 3. c. 13.

'ITEM, That none of the King's liege People be from henceforth diſtrained, impeached, moleſted, nor grieved in the Exchequer, nor elſewhere, for not gauging of Wines of *Rhine*, nor for any Forfeiture of the ſame for that Cauſe, otherwiſe than hath been of old Times.'

ITEM qe null lige du Roy ſoit deſtreintz empeſchez moleſtez ne grevez en leſcheqer naillours pur le noun gauger de vyns de Ryn ne pur aſcune forfaiture dicelles pur celle cauſe autrement qe nad eſte faite dauncien temps.

CAP. IX.

Merchants Strangers reſorting into this Realm ſhall be well uſed.

9 Ed. 3. ſtat. 1. c. 1. 25 Ed. 3. ſtat. 4. c. 2. 2 R. 2. *ſtat.* 1. *c.* 1. 11 R. 2. c. 7. *See farther* 5 H. 4. *c.* 9. 6 H. 4. c. 4. *putting Merchants Strangers under ſome Reſtrictions. See likewiſe* 12 H. 7. *c.* 6. *concerning Merchant Adventurers.*

'ITEM, That Merchants Strangers repairing into the Realm of *England* ſhall be well and courteouſly and rightfully uſed and governed in the ſaid Realm, to the Intent that they ſhall have the greater Courage to repair into the ſame.'

ITEM qe marchantz eſtraunges repairantz en le Roialme dEngleterre ſoient bien & curtoiſement & droiturelment tretez & governez en le dit Roialme au fyn qils eient greindre courage de repeirer en ycell.

CAP.

CAP. X.

No Cuſtomer or Comptroller ſhall have any Ship of his own, and he ſhall have his Office at the King's Pleaſure.

Ex Rot. in Turr. Lond.

ITEM qe null cuſtumer ne contrerollour eit niefs de lour propre ne ſoy melle de fret des niefs & ceo pur eſchuir ſibien la damage du Roy de ſa cuſtume come la perde des merchantz repeirantz al port ſibien aliens come deinzeins. Et qe null cuſtumer contrerollour ſerchour poiſour ou tronour eit null tiel office a terme de vie mes tantſoulement tant come le Roy plerra. Non obſtant aſcune patente ou grant fait a aſcuny a contraire & ſi aſcun tiel patente ou grante a terme de vie ſoit fait a aſcuny daſcun tiel office devant ces heures le Roy voet qil ſoit outrement repelle & voide & de null force ou value deſore enavant.

'ITEM, That no Cuſtomer nor Comptroller have any Ships of their own, nor meddle with the Freight of Ships, and that to eſchew, as well the Damage of our Lord the King of his Cuſtoms, as the Loſs of the Merchants repairing to the Port, as well Aliens as Denizens. And that no Cuſtomer, Comptroller, Searcher, Weigher, or Finder*, have any ſuch Office for Term of Life, but only as long as ſhall pleaſe the King, notwithſtanding any Patent or Grant made to any to the contrary. And if any ſuch Patent or Grant for Term of Life be made to any of ſuch Office in Time paſt, the King will that it be utterly repealed and void, and of no Force nor Value.'

Enforced by 20 H. 6. c. 5.

2 Mod. 260.

* Tronour.

See 17 R. 2. c. 5. 1 H. 4. c. 13. 31 H. 6. c. 5.

18 *Eliz. c.* 9. *ſect.* 5. *which put Cuſtomers and Comptrollers, &c. under farther Reſtrictions.*

CAP. XI.

In every County there ſhall be eight Juſtices of Peace. Their Eſtreats and Wages.

ITEM qen cheſcun countee ſoient aſſignez oept juſtices de la pees come eſt contenuz en leſtatut de Cantebr' outre les Seignurs aſſignez en ceſt parlement & qe les eſtretes des ditz juſtices ſoient doublez & lune partie delivere par les ditz juſtices al viſcont pur lever les deniers ent ſourdantz & ent paier as ditz juſtices & a lour clercs lour gages par la mayn du dit viſcont par endenture entre eux ent affaire & qe les viſcontz eient allouance en lour accompte en leſcheqer par meſme lendenture & qe null Duc Count Baron ou Baneret tout ſoient ils aſſignez juſtices de la pees & tiegnent lour ſeſſions oveſqe les autres oept juſtices ne preignent gages pur le dit office. Et qe les juſtices qe tiegnent lour ſeſſions mettent lour nouns & le noun de lour clerk enſemblement ove le nombre des jours de lour ſeſſions au fyn qe les viſcontz purront ſavoir a qi paier gages & a qi noun & les Barons de leſcheqer a qi allower & a qi noun & qe les ſealx ſoient faitz pur les ſervantz & baillez en garde daſcun prod homme du paiis ſolonc le purporte de le dit eſtatut de Cantebr' le quell eſtatut ove la modification dicell faite al darrein parlement enſemblement ove leſtatutz de poys & meſures & toutz autres eſtatutz & bones ordinances faitz avant ces heures & nient repellez le Roy voet qils ſoient tenuz & gardez & myn en due execution.

'ITEM, That in every County be aſſigned Eight Juſtices of Peace, as is contained in the Statute of *Canterbury*, beſides the Lords aſſigned in this Parliament: And that the Eſtreats of the ſaid Juſtices be doubled, and the one Part delivered by the ſaid Juſtices to the Sheriff, to levy the Money thereof riſing, and thereof to pay to the Juſtices and their Clerks their Wages by the Hand of the ſaid Sheriff by Indenture betwixt them thereof to be made; and that the Sheriffs have Allowance in their Account in the Exchequer by the ſame Indenture: And that no Duke, Earl, Baron, or Baneret, albeit they be aſſigned Juſtices of the Peace, and hold their Seſſions with the other Eight Juſtices, ſhall take any Wages for the ſaid Office. And that the Juſtices who hold their Seſſions put their Names, and the Names of their Clerks, in the ſame Eſtreats, together with the Number of the Days of their Seſſions, to the Intent that the Sheriffs may know to whom to pay the Wages, and to whom not; and the Barons of the Exchequer, to whom to allow, and to whom not: And that the Seals be made for the Servants, and delivered to the keeping of ſome good Man of the Country, after the Purport of the ſaid Statute of *Canterbury*, which Statute, with the Modification of the ſame made at the laſt Parliament, and the Statute of Weights and Meaſures, and all other good Statutes and Ordinances made heretofore, and not repealed, ſhall be holden and kept, and put in due Execution.'

The Juſtices Eſtreats ſhall be double.

What Juſtices ſhall be allowed no Wages.

A Seal for Servants.

13 R. 2. ſtat. 1. c. 7.

CAP. XII.

The Value of *Scottiſh* Money of ſeveral Sorts.

ITEM qe la grote de la monoye dEſcoce courge en value tantſoulement de deux deniers Engleys & la dimy grote dEſcoce en value dun denier Engleys & le denier dEſcoce en value dun maill Engleis & le maill dEſcoce en value dun ferthyng Engleys & ſi la monoye dEſcoce ſoit empeire qe la value ent ſoit abregge ſolonc lafferant. Et qe commiſſions ſoient faitz parmy le Roialme denquerre de ceux qont porte ou envoie la monoie dEngleterre en Eſcoce pur y faire bullion ou monoie dEſcoce en prejudice & damage du Roi & du Roialme.

REX vicecomiti Kanc' ſalutem. Precipimus tibi firmiter injungentes quod quedam ſtatuta at ordinationes per nos de aſſenſu Magnatum & Communitatum regni noſtri Anglie *** *Memorand' this is left imperfect on the Roll.*

Statutes made at Weſtminſter, Anno 15 RICH. II. *and* Anno Dom. 1391.

" IN the Parliament holden at *Weſtminſter*, the " Morrow after All-Souls, the fifteenth Year of " the Reign of King RICHARD the Second after " the Conqueſt, our ſaid Lord the King by the Aſſent " of the ſaid Parliament hath ordained and eſtabliſhed " certain Things in the Form following.

Ex Rot. in Turr. Lond. *m.* 7.

AU parlement tenuz a Weſtm' lendemayn des almes lan du regne noſtre Seignur le Roi RICHARD ſecond puis le conqueſt quinziſme noſtre dit Seignur le Roi de laſſent de ſon dit parlement ad ordeigne & eſtabli certeines choſes en la fourme qenſuit.

CAP. I.

A Confirmation of all former good Statutes not repealed.

' FIRST, That all good Statutes and Ordinances ' made before this Time, and not repealed, be ' firmly holden and kept.'

EN primes qe toutz les bones eſtatutz & ordeinances devant ces heures faitz & nient repellez ſoient fermement tenuz & gardez.

CAP. II.

The Duty of Juſtices of Peace when any forcible Entry is made into Lands.

Former Statutes concerning forcible Entries and Riots confirmed.

' ITEM it is accorded and aſſented, That the Ordinances and Statutes, made and not repealed, of them that make Entries with ſtrong Hand into Lands and Tenements, or other Poſſeſſions whatſoever, and them hold with Force, and alſo of thoſe that make Inſurrections, or great Ridings, Riots, Routs, or Aſſemblies, in Diſturbance of the Peace, or of the Common Law, or in Affray of the People, ſhall be holden and kept, and fully executed; joined to the ſame, That at all Times that ſuch forcible Entry ſhall be made, and Complaint thereof cometh to the Juſtices of Peace, or to any of them, that the ſame Juſtices or Juſtice take ſufficient Power of the County, and go to the Place where ſuch Force is made; and if they find any that hold ſuch Place forcibly after ſuch Entry made, they ſhall be taken and put in the next Gaol, there to abide convict by the Record of the ſame Juſtices or Juſtice until they have made Fine and Ranſom to the King: And that all the People of the County, as well the Sheriffs as other, ſhall be attendant upon the ſame Juſtices to go and aſſiſt the ſame Juſtices to arreſt ſuch Offenders, upon pain of Impriſonment, and to make Fine to the King. And in the ſame Manner it ſhall be done of them that make ſuch forcible Entries in Benefices or Offices of holy Church.'

Kel. 41. 3 Bulſtr. 71. Mod. Caſes in Law 65.

5 R. 2. ſtat. 1. c. 8.

ITEM accordez eſt & aſſentuz qe leſtatutz & ordeinances faitz & nient repellez de ceux qe font entrees a forte mayn en terres & tenementz ou autres poſſeſſions queconqes & lour tiegnent einz ove force & auxint de ceux que ſont inſurrections ou grantz chivaches rioutes routes ou aſſemblees en deſtourbance de la pees ou de la commune ley ou en affray du poeple ſoient tenuz & gardez & pleynement executz ajouſte a ycelles qe a toutz les foitz qe tielx forcibles entrees ſoient faitz & pleint en veigne a juſtices de la pees ou a aſcun de eux qe meſmes les juſtices ou juſtice preignent ou preigne poair ſufficeant du counte & voiſent ou voiſe al lieu ou tiel force ſoit fait & ſils troevent ou troeve aſcuns qe tiegnent tiel lieu forciblement apres tiel entree fait ſoient pris & mys en proſcheine gaole a y demurer convict par record de meſmes les juſtices ou juſtice tanquils eient fait fyn & ranceon au Roy & qe toutz gentz du counte ſibien viſcont come autres ſoient entendantz as ditz juſtices pur aler & enforcier meſmes les juſtices pur areſter tielx malfeſours ſur peine dempriſonement & de faire fyn au Roy. Et en meſme le manere ſoit fait de ceux qe font tielx forcibles entrees en benefices ou offices de ſeint eſgliſe.

Enforced and amended by 4 H. 4. c. 8. 8 H. 6. c. 9. 23 H. 8. c. 14. *See* 31 *Eliz. c.* 11. *which explains* 8 *H.* 6. *c.* 9. *See* 21 Jac. 1. c. 15. *which enables Juſtices to give Reſtitution in certain Caſes. And ſee Index, tit.* Juſtices of Peace.

CAP. III.

In what Places the Admiral's Juriſdiction doth lie.

13 Co. 42, 52. 2 Rol. 316.

" ITEM, At the great and grievous Complaint of " all the Commons made to our Lord the King in " this preſent Parliament, for that the Admirals and

ITEM a la grant & grevouſe compleint de tout la commune fait a noſtre Seignur le Roi en ceſt preſent parlement de ce qe les Admiralx & lour deputees

Ex Rot. in Turr. Lond.

putees accrochent a eux diverſes juriſdictions franchiſes & pluſours autres profitz qe appartiegnent a noſtre Seignur le Roi & as autres Seignurs citees & burghs autres qils ne ſoloient ne ne deveroient avoir de droit a treſgrant oppreſſion & empoveriſſement de toute la commune de la terre & arreriſſement & perde des profitz noſtre Seignur le Roi & de pluſours autres Seignurs citees & burghs parmy le Roialme declarez eſt ordeignez & eſtabli qe de toutes maneres contractz plees & querelles & de toutes autres choſes faitz ou ſourdantz deinz les corps des countees ſibien par terre come par eawe & auſſint de wrek de meer la court de ladmirall eit nulle manere coniſſance poair ne juriſdiction mes ſoient toutz tielx maneres contractes plees & quereles & toutes autres choſes ſourdantz deinz les corps des countees ſibien par terre come par eawe come deſuis & auxint wrek de meer triez terminez diſcus & remediez par les loyes de la terre & nemye devant ne par ladmiral ne ſon lieutenant en nulle manere. Nientmeyns de mort de homme & de maheym faitz es groſſes niefs eſteantz & hoverantz en my le haut fil des groſſes rivers tantſoulement paraval les pountz de meſmes les rivres pluis proſcheins al meer & en nul autre lieu de meſmes les rivers eit ladmiral coniſſance & auxint dareſt des niefs en les grantz fletz pur grantz viages du Roi & de Roialme ſauvant au Roi toutz maneres forfaitures & profitz en provenantz. Et eit enſement juriſdiction ſur les dites fletz durantz les dites viages tantſoulement Sauvant toutdis as Seignurs citees & burgs lour libertees & franchiſes.

" their Deputies do incroach to them divers Juriſdictions, Franchiſes, and many other Profits pertaining to our Lord the King, and to other Lords, Cities and Boroughs, other than they were wont or ought to have of Right, to the great Oppreſſion and Impoveriſhment of all the Commons of the Land, and Hindrance and Loſs of the King's Profits, and of many other Lords, Cities, and Boroughs through the Realm;" ' it is declared, ordained, and eſtabliſhed, That of all Manner of Contracts, Pleas, and Quarrels, and all other Things riſing within the Bodies of the Counties, as well by Land as by Water, and alſo of Wreck of the Sea, the Admiral's Court ſhall have no manner of Cognizance, Power, nor Juriſdiction; but all ſuch manner of Contracts, Pleas, and Quarrels, and all other Things riſing within the Bodies of Counties, as well by Land as by Water, as afore, and alſo Wreck of the Sea, ſhall be tried, determined, diſcuſſed, and remedied by the Laws of the Land, and not before nor by the Admiral, nor his Lieutenant in any wiſe. Nevertheleſs, of the Death of a Man, and of a Maihem done in great Ships, being and hovering in the main Stream of great Rivers, only beneath the *Bridges* of the ſame Rivers nigh to the Sea, and in none other Places of the ſame Rivers, the Admiral ſhall have Cognizance, and alſo to arreſt Ships in the great Flotes for the great Voyages of the King and of the Realm; ſaving always to the King all Manner of Forfeitures and Profits thereof coming: And he ſhall have alſo Juriſdiction upon the ſaid Flotes, during the ſaid Voyages only, ſaving always to the Lords, Cities, and Boroughs their Liberties and Franchiſes.'

Dyer 159. 19 H. 6. f. 7. 5 Co. 106. Cro. Car. 296. 2 Bulſt. 323. Leigh's Caſe, M. 7 Jac. Points. 4 Inſt. 137. Owen 122. It is Portes in the Old Abridgement. Raſt. 23. 13 R. 2. ſtat. 1. c. 5.

See 2 H. 4. c. 11. *which gives Remedy to him who is wrongfully ſued in the Court of Admiralty; and farther* 8 *Eliz. c.* 5. *and* 2 *W. & M. ſeſſ.* 2. *c.* 2.

CAP. IV.

There ſhall be but eight Buſhels of Corn ſtriked to the Quarter.

ITEM come ordeigne ſoit par diverſes eſtatutz qune meſure de blee vin & cervoiſe ſoit parmy le Roialme & qe oept buſſelx raſez facent un quartre de blee noientmeins a cauſe qe nulle peyne eſt ſur ce ordeine en les ditz eſtatutz pluſours gentz de diverſes citees burghs villes & marchees ne voillent prendre nachatre en les ditz citees burgs villes & marchees naillours ſinoun noef buſſelx pur le quartre & ſils ne les purront achatre en tiel manere ils lareſtent come forfait a treſgrant damage & oppreſſion de tout la commune poeple & overtement encontre leſtatutz ſuiſditz ordeignez eſt & aſſentuz qe les ditz eſtatutz ſoient fermement gardez & tenuz ſibien en la citee de Loundres come aillours parmy le Roialme & ſibien par ewe come par terre nient contreſteant aſcune uſage avant ces heures a contraire. Et qe null deſore enavant achate en la dite Citee de Loundres naillours nulle manere blee ou brees ſinoun oept buſſelx pur le quartre ſolonc le purport des ditz eſtatutz ſur peine de forfaire tout le blee ou brees iſſint achate ſauvant la dite forfaiture au Roi forſpris franchiſes roiales as queux le Roi a ceſte foitz ad grante ycelle forfaiture de ſa grace & qe ſibien les Mair & Viſcountz de Londres come les mairs & baillifs dautres citees burghs villes & marchees ſils

" ITEM, Whereas it is ordained by divers Statutes, that one Meaſure of Corn, Wine and Ale ſhould be throughout the Realm, and that eight Buſhels ſtriked make the Quarter of Corn; nevertheleſs, becauſe that no Pain is thereupon ordained in the ſaid Statutes, divers People of divers Cities, Boroughs, Towns, and Markets, will not take, neither buy in the ſaid Cities, Boroughs, Towns, Markets, ne in none other Place, but nine Buſhels for the Quarter; and if they cannot buy in that Manner, they arreſt it as forfeit, to the great Damage and Oppreſſion of all the People, and manifeſtly againſt the Statutes aforeſaid;" ' it is ordained and aſſented, That the ſaid Statutes ſhall be firmly kept and holden, as well in the City of *London*, as in every other Place throughout the Realm, and that as well by Water as by Land, notwithſtanding any Uſage in Times paſt to the contrary. And that none from henceforth do buy in the City of *London*, nor in other Place, any Manner of Corn or Malt, but after eight Buſhels for the Quarter, according to the Purport of the ſaid Statutes, upon Pain of Forfeiture of all the Corn or Malt ſo bought; ſaving to the King the ſaid Forfeiture, except Franchiſes Royal, to whom the King at this Time of his ſpecial Grace hath granted the ſame Forfeiture of his Grace; and that as well the Mayor and Sheriffs of *London*, as the Mayors and Bailiffs of other Cities, Boroughs, Towns, and Markets

9 *H.* 3. *ſtat.* 1. *c.* 25. 1 H. 5. c. 10.

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'Markets (if they do not thereof full and due Execution) ſhall incur like Pain, as well at the Suit of the King, as of the Party, or of any other Perſon that will ſue for the King.'

ne facent ent pleine & due execution encourgent autiele peine ſibien au ſuite du Roi come de partie & dautre queconqe qe vorra ſuir pur le Roi.

Enforced by 11 H. 7. c. 4.

See farther Index, tit. Weights and Meaſures.

CAP. V.

Aſſurance of Lands to certain Places, Perſons, and Uſes, ſhall be adjudged *Mortmain.*

7 Ed. 1. ſtat. 2.

"ITEM, Whereas it is contained in the Statute *De religioſis*, That no Religious, nor other whatſoever he be, do buy or ſell, or under Colour of Gift, or Term, or any other Manner of Title whatſoever, receive of any Man, or in any Manner by Gift or Engine cauſe to be appropriated unto him any Lands or Tenements, upon Pain of Forfeiture of the ſame, whereby the ſaid Lands and Tenements in any Manner might come to *Mortmain*. And if any Religious, or any other, do againſt the ſaid Statute by Art or Engine in any Manner, that it be lawful to the King, and to other Lords, upon the ſaid Lands and Tenements to enter, as in the ſaid Statute doth more fully appear. And now of late by ſubtile Imagination, and by Art, and Engine, ſome religious Perſons, Parſons, Vicars, and other ſpiritual Perſons, have entred in divers Lands and Tenements, which be adjoining to their Churches, and of the ſame, by Sufferance and Aſſent of the Tenants, have made Church-yards, and by Bulls of the Biſhop of *Rome* have dedicated and hallowed the ſame, and in them do make continually Parochial Burying without Licence of the King and of the chief Lords;" 'therefore it is declared in this Parliament, That it is manifeſtly within the Compaſs of the ſaid Statute. And moreover it is agreed and aſſented, That all they that be poſſeſſed by Feoffment, or by other Manner, to the Uſe of religious People, or other ſpiritual Perſons, of Lands and Tenements, Fees, Advowſons, or any Manner other Poſſeſſions whatſoever, to amortiſe them, and whereof the ſaid religious and ſpiritual Perſons take the Profits, that betwixt this and the Feaſt of St. *Michael* next coming, they ſhall cauſe them to be amortiſed by the Licence of the King and of the Lords, or elſe that they ſhall ſell and aliene them to ſome other Uſe between this and the ſaid Feaſt, upon Pain to be forfeited to the King, and to the Lords, according to the Form of the ſaid Statute of Religious, as Lands purchaſed by religious People: And that from henceforth no ſuch Purchaſe be made, ſo that ſuch religious or other ſpiritual Perſons take thereof the Profits, as afore is ſaid, upon Pain aforeſaid. And that the ſame Statute extend and be obſerved of all Lands, Tenements, Fees, Advowſons, and other Poſſeſſions, purchaſed, or to be purchaſed to the Uſe of Gilds or Fraternities. And moreover it is aſſented, becauſe Mayors, Bailiffs, and Commons of Cities, Boroughs, and other Towns which have a perpetual Commonalty, and others which have Offices perpetual, be as perpetual as People of Religion, that from henceforth they ſhall not purchaſe to them, and to their Commons or Office, upon Pain contained in the ſaid Statute *De religioſis*. And whereas others be poſſeſſed, or hereafter ſhall purchaſe to their Uſe, and they thereof take the Profits, it ſhall be done in like Manner as is afore ſaid of People of Religion.'

It is within the Compaſs of the Statute of Mortmain to convert any Land to a Church-yard.

Mortmain where ſome be ſeiſed of Lands to the Uſe of religious or ſpiritual Perſons.

Mortmain to purchaſe Lands to Gilds, Fraternities, Offices, Commonalties.

Mortmain in reſpect of taking of Lands in Uſe, 8 H. 4. f. 15. 1 Co. 123. 9 H. 3. ſtat. 1. c. 36. 13 Ed. 1. ſtat. 1. c. 32. 18 *Ed.* 1. *ſtat.* 1, c. 3. 18 *Ed.* 3. *ſtat.* 3. c. 3.

ITEM come tenuz ſoit en leſtatut de Religiouſes qe null religious nautre queconqe achate ne vende ou ſouz colour de doun ou terme ou dautre title queconqe daſcun reſceive ou daſcun en aſcune manere par art ou par engyn a luy face approprier aſcunes terres ou tenementz ſur forfaiture dycelles par quoi les ditz terres & tenementz purront en aſcune manere devenir a mort mayn. Et qe ſi aſcun religious ou aſcun autre veigne encontre le dit eſtatut par art ou par engyn en aſcune manere bien liſe au Roi & as autres Seignurs les ditz terres & tenementz entrer ſicome en le dit eſtatut eſt contenuz plus au plein. Et ore de novell par ſotile ymagination & par art & engyn aſcuns gentz de religion parſons vikers & autres perſones eſpiritiels ſont entrez en diverſes terres & tenementz adjoignantz a lour eſgliſe & dycelles par ſuffrance & aſſent de tenantz ont fait cimiters & par bulles de appoſtoill les ont fait dedier & ſacrer & ſepulture parochiele font continuelment en ycelles ſanz licence du Roi & des chiefs Seignurs declare eſt en ceſt preſent parlement qe ce eſt overtement en cas du dit eſtatut. Et enoutre accordez eſt & aſſentuz qe toutz ceux qe ſont poſſeſſionez par feoffement ou par autre voie al oeps de gentz de religion ou autres perſones eſpiritiels des terres tenementz fees advoeſons ou autres poſſeſſions queconqes pur les amortiſer & dont les ditz religiouſes & perſones eſpiritiels preignent les profitz qe parentre cy & le feſt de Seint Michel prochein venant ils les facent eſtre amortiſez par licence du Roi & des Seignurs ou autrement qils les vendent & alienent a autre oeps parentre cy & le dit feſt ſur peine deſtre forfaitz au Roi & as Seignurs ſolonc la fourme de leſtatut de religious come tenementz purchaſez par gentz de religion & qe de cez temps enavant null tiel purchaſe ſe face iſſint qe tielx religiouſes on autres perſones eſpiritiels ent preignent les profitz come deſuis ſur la peine avauntdite. Et meſme ceſt eſtatut ſextende & ſoit tenuz de toutz terres & tenementz fees advoeſons & autres poſſeſſions purchacez & a purchaſers al oeps des gildes & fraternitees. Et enoutre eſt aſſentuz pur ce qe mairs baillifs & communes de citees burghs & autres villes qont commune perpetuel & autres qont offices perpetuels ſont auſſi perpetuels come gentz de religion qe de ceſt temps enavaunt ils ne purchacent a eux & a lour commune ou office ſur la peine contenue en le dit eſtatut de religiouſes. Et de ce qe autres ſont poſſeſſionez ou ferra purchacez en temps avenir a lour oeps & ils ent preignent ou prendront les profitz ſoit ſemblablement fait come devaunt eſt dit de gentz de religion.

See farther Index, tit. Mortmain.

CAP.

CAP. VI.

In Appropriation of Benefices there ſhall be Proviſion made for the Poor and the Vicar.

Ex Rot. in Turr. Lond.

ITEM pur ce qe pluſours damages & deſeaſes ſont ſovent avenuz & aveignent de jour en autre as parochiens de diverſes lieux par lappropriation des benefices de meſmes les lieux accordez eſt & aſſentuz qen cheſcune licence deſore a faire en la Chauncellarie dappropriation daſcune eſgliſe parochielle ſoit expreſſement contenuz & compris qe le dioceſan del lieu en lappropriation de tielx eſgliſes ordeine ſolonc la value de tielx eſgliſes une covenable ſomme dargent deſtre paiez & diſtributz annuelment des fruitz & profitz de meſmes les eſgliſes par ceux qaveront les dites eſgliſes en propre oeps & par lour ſucceſſours as povres parochiens des dites eſgliſes en eide de lour vivre & ſuſtenance a toutz jours & qe le viker ſoit auxint bien & covenablement dowez.

" ITEM, Becauſe divers Damages and Hindrances oftentimes have happened, and daily do happen to the Pariſhioners of divers Places, by the Appropriation of Benefices of the ſame Places;" ' it is agreed and aſſented, That in every Licence from henceforth to be made in the Chancery, of the Appropriation of any Pariſh Church, it ſhall be expreſly contained and compriſed, That the Dioceſan of the Place, upon the Appropriation of ſuch Churches, ſhall ordain, according to the Value of ſuch Churches, a convenient Sum of Money to be paid and diſtributed yearly of the Fruits and Profits of the ſame Churches, by thoſe that ſhall have the ſaid Churches in proper Uſe, and by their Succeſſors, to the poor Pariſhioners of the ſaid Churches, in Aid of their Living and Suſtenance for ever; and alſo that the Vicar be well and ſufficiently endowed.'

Confirmed by 4 H. 4. c. 12. 39 H. 6. f. 20. Plow. 495. 6 H. 7. f. 13. 10 H. 7. f. 19. 3 Ed. 3. f. 11. 38 H. 6. f. 19. 11 Co. 9. Cro. Jac. 516. 2 Roll 99, 100.

CAP. VII.

Armour, Corn, or Victual may be carried to *Berwick*.

Rep. by 4 *Jac.* 1. *c.* 1.

CAP. VIII.

A Repeal of the Statute of 14 RICH. 2. *c.* 7. touching the carrying of Tin forth out of the Realm at *Dartmouth* only.

Rep. 21 Jac. 1. c. 28.

CAP. IX.

The Mayor of the Staple ſhall take Recognizances for Debts, according to the Statute of 27 EDW. 3. *Stat.* 2. *cap.* 9.

ITEM come contenu ſoit en leſtatut de leſtaple au fyn qe les contractes faitz deinz leſtaple ſoient le meultz tenuz & les paiementz preſtement faitz qe cheſcun mair de leſtaple eit poair de prendre reconiſances des dettes qe homme voudra faire devaunt lui en preſence des coneſtables de leſtaple ou lun deux & qen cheſcun des dites eſtaples ſoit un ſeal ordeine demurant en la garde du dit mair ſouth les ſealx des ditz coneſtables accordez eſt & aſſentuz qe le dit eſtatut ſoit fermement tenuz & gardez & qe nul mair de leſtaple preigne ou reſceive aſcune reconiſſance de dette encontre la fourme du dit eſtatut ſur peine de paier au Roi la moite de la ſomme devaunt lui reconiſſe.

CAP. X.

None ſhall buy *Guildford* Cloths before they be fulled and manufactured as they ought to be.

Rep. 5 & 6 Ed. 6. c. 6.

CAP. XI.

Girdlers may work their Girdles with white Metal.

Rep. 1 Jac. 1. c. 25.

CAP. XII.

No Man ſhall be compelled to anſwer for his Freehold before the Council of any Lord.

ITEM a la grevouſe compleint des Communes fait au plein parlement de ce qe pluſours liges du Roi ſont faitz venir devaunt les conſeilx de diverſes Seignurs & Dames a y reſpondre de lour frank tenement & de pluſours autres choſes reales & perſoneles qe deveroient eſtre demeſnez par la ley de la terre encontre leſtat & droit de noſtre Seignur le Roi & de ſa corone & en defeſance de la commune ley accordez eſt & aſſentuz qe null lige du Roi deſore enavant ſoit artez compellez ne conſtreint par nulle voie de venir ne dapparoir devaunt le conſeill daſcun Seignur ou dame pur y reſpondre

" ITEM, At the grievous Complaint of the Commons made in full Parliament, for that divers of the King's Subjects be cauſed to come before the Council of divers Lords and Ladies, to anſwer for their Freehold, and ſo for divers other Things, real and perſonal, that ought to be ordered by the Law of the Land, againſt the Eſtate and the Right of our Lord the King and of his Crown, and in defeating of the common Law;" ' it is agreed and aſſented, That from henceforth none of the King's Subjects be compelled, neither by any Mean conſtrained, to come nor to appear before the Council

' of

Ex. Rot. in Turr. London.

‘ of any Lord or Lady, to anſwer for his Freehold, ‘ nor for any Thing touching his Freehold, nor for ‘ any other Thing real or perſonal, that belongeth to ‘ the Law of the Land in any Manner. And if any ‘ find himſelf grieved in Time to come, contrary to ‘ this Ordinance and Agreement, he may complain ‘ to the Chancellor for the time being, and he ſhall ‘ give him Remedy.’

de ſon frank tenement ne de choſe qe touche frank tenement ne de nulle autre choſe reale ou perſonele qappartient a la ley de la terre en aſcune manere. Et ſi aſcun ſe ſent grevez en temps avenir encontre ceſte ordeinance & accorde ſue al Chaunceller qi ſerra pur le temps & il en ferra remede.

52 H. 3. c. 22. *Confirmed by* 16 R. 2. c. 2. *which gives Forfeiture of* 20*l. on Breach by compelling Tenants, &c.* Regiſt. 171.

REX vicecomiti Lincoln’ ſalutem. Quedam ſtatuta & ordinationes per nos in ultimo parliamento noſtro apud Weſtm’ tento de aſſenſu Magnatum & Communitatis regni noſtri Anglie nobis in eodem parliamento aſſiſtentium facta tibi in forma literarum patentum mittimus ſub ſigillo noſtro precipientes firmiter injungendo quod ſtatuta & ordinationes predicta in pleno comitatu tuo ac civitatibus burgis villis mercatoriis & aliis locis infra ballivam tuam ubi melius expedire videris publice proclamari & teneri facias juxta tenorem eorundem.

T. R. apud Weſtm’ primo die Februar.’

Statutes made at Wincheſter, Anno 16 RICH. II. *and* Anno Dom. 1392.

Ex Rot. in Turr. Lond. *m.* 6.

“ OUR Lord the King, RICHARD the Second “ after the Conqueſt, at his Parliament holden “ at *Wincheſter* in the *Utas* of St. *Hillary*, the “ ſixteenth of his Reign, hath ordained and eſtabliſh- “ ed, by the Aſſent of his Parliament, certain Things “ in the Form following.”

NOSTRE Seignur le Roi RICHARD ſecond puis le conqueſt a ſon parlement tenuz a Wynceſtr’ en les oeptaves de Seint Hiller lan de ſon regne ſeſziſme ad ordeine & eſtabli certeines choſes de laſſent de ſon dit parlement en la fourme qenſuit.

CAP. I.

No Merchant Stranger ſhall buy or ſell with another Merchant Stranger to ſell again.

9 Ed. 3. ſtat. 1. c. 1. 4 Inſt. 265. *All Merchants Aliens and Denizens may freely buy and ſell within the Realm.* 25 Ed. 3. ſtat. 4. c. 2. *Merchants may ſell their Wares in groſs or by Parcel.*

PRimerement come par eſtatut fait a Everwyk lan du regne del Aiel noſtre Seignur le Roi noeſiſme ordeine fuiſt & eſtabli qe toutz marchantz aliens & denzeins & toutz autres & checun de eux de quel eſtat ou condition qils ſoient qe achater ou vendre voillont bledz vins avoir du pois char peſſon & toutz autres vivres & vitails draps leines merces merchandiſes & toutz autres choſes vendables de quelle part qils viegnent par foreins ou par denzeins a quell lieu qe ce ſoit ſoit il en cite burgh ville port du meer feire marche ou autre lieu deinz meſme le Roialme deinz franchiſe & dehors les puiſſent franchement & ſanz deſtourber vendre a qi qe lour pleſt ſibien as foreins come a denzeins forpris les enemys noſtre Seignur le Roi & de ſon Roialme. Et puis par un autre eſtatut fait lan du dit Aiel vint & quint ordeine fuiſt & accorde qe le dit eſtatut fait le dit an noeſiſme ſerroit tenuz gardez & maintenuz en touz pointz. Et outre ceo qe checun marchant & autre de quelle condition qil ſerroit auxibien alien come denzein qe ameſneroit vins chares peſſons ou autre manere des vitailles draps peaux ou avoir du pois ou queconqes autres merces ou merchandiſes a la Cite de Londres ou as autres citees burghs & bones villes dEngleterre ou port du meer les purroit franchement & ſanz chalange ou empeſchement de nully vendre en groos ou a retaille ou par parcelles a ſa volunte as queconqes gentz qi les voudront achater nient contreſteantz aſcuns franchiſes grante ou cuſtume uſe ou queconqe autre manere choſe fait a contraire & ce ſaunz deſtourbance ou impediment daſcuny ſur certeines peines contenuz en leſtatutz ſuſditz. Et apres lan du regne noſtre Seignur le Roi unziſme eſtoit auxint ordeine & eſtablie par eſtatut fait meſme lan qe les deux eſtatutz ſuiſditz ſerroient tenuz gardez & maintenuz & pleinement executz en toutz pointz & articles dicelles Nientcontreeſteant aſcun eſtatut ordinance chartre lettre patente franchiſes proclamation mandementz uſages allouance ou juggement fait ou uſez a contraire Sicome en les ditz eſtatutz eſt contenuz pluis au plein. Nientmeyns pur ceo qil ſemble a noſtre Seignur le Roy qe leſtatutz ſuſditz ſils ſoient plenerement tenuz & executz ſeſtendent en grant arreriſement & damage ſibien de la dite Cite de Londres come des autres citees burghs & villes du Roialme ordeinez eſt & aſſentuz qe null eſtrange marchant alien ne vende ne achate ne marchande deinz le Roialme oveſqe autre eſtrange marchant alien pur revendre ne qe null eſtrange marchant alien vende a retaille deinz le Roialme ne ne trenche a vendre nulles maners merces ne merchandiſes forſpris vivres & vitailles. Et qe toutz aliens vendent auxint vins par veſſelx entiers & eſpicerie par veſſelx & bales entiers & nemye en autre manere & qe null manere eſpicerie apres qil ſoit porte en le Roialme ſoit ameſne hors de meſme le Roialme par alien ne par denzein ſur peine de forfaiture dicelle. Et enoutre le Roi voet qe leſtatutz ſuiſditz ſoient en toutz lour autres articles & pointz fermement tenuz & gardez.

11 R. 2. c. 7.

No Merchant Stranger ſhall ſell any Merchandiſes by Retail, but Victuals. No Wines ſhall be carried forth of the Realm; nor any manner of Spicery.

Repealed by 3 Car. 1. c. 4. ſ. 27. *as to Spicery only. See farther* 5 *H.* 4. *c.* 9. *and* 6 *H.* 4. *c.* 4. *putting Merchant Strangers under Reſtrictions. See likewiſe* 12 *H.* 7. *c.* 6. *concerning Merchant Adventurers.*

CAP.

CAP. II.

The Forfeiture of him that compelleth any Perſon to anſwer for his Freehold.

Ex Rot. in Turr. Lond.

ITEM come el darrein parlement accordez eſtoit & aſſentuz qe null lige du Roi delors en avant ſerroit artez compellez ne conſtreint par null voie de venir ne dapparoir devaunt le conſeill daſcun Seignur ou Dame pur y reſpondre de ſon franc tenement ne de choſe qi touche frank tenementz ne de nulle autre choſe reale ou perſonele qappartient a la ley de la terre en aucun manere ſicome par leſtatut ent fait pluis pleinement appiert accordes eſt & aſſentuz qe le dit eſtatut ſoit fermement tenuz & gardez & qe ſi aſcun Seignur ou Dame ou autre liege du Roi face alencontre encourge la peine de vint livres devers noſtre Seignur le Roy.

" ITEM, Whereas at the laſt Parliament it was accorded and aſſented, That none of the King's liege People from henceforth ſhould be bound, compelled, nor conſtrained by any Means, to come nor to appear before any Lord's or Lady's Council, there to anſwer of his Freehold, nor of Things which touch Freeholds, nor of any other Thing real nor perſonal, which belongeth to the Law of the Land in any wiſe, as by the Statute thereof made more fully appeareth;" ' it is accorded and aſſented, ' That the ſaid Statute ſhall be firmly holden and kept; ' and if any Lord or Lady, or other of the King's ' liege People do to the contrary, they ſhall incur the ' Pain of *xx l.* to the King.'

A Confirmation of the Statute of 15 R. 2. c. 12. with a Penalty on the Offenders.

52 H. 3. c. 22. Regiſt. 171.

CAP. III.

The Clerk of the Market ſhall carry with him all his Weights and Meaſures ſigned.

ITEM ordeinez eſt & aſſentuz qe toutz les poys & meſures parmy le Roialme ſoient accordantz a leſtandard de leſcheqer ſolonc la fourme de leſtatutz ent faitz. Et enoutre le Roi voet qe le clerc del marche eit tout ſes meſures & poiſes dareſme accordantz a leſtandard de leſcheqer & ſignez & merchez del ſigne de leſcheqer a ce ordeine & meſmes les poiſes & meſures iſſint ſignez & merchez carie & ameſne oveſqe luy a toutz les foitz qil ferra laſſay de poiſes & meſures aſcune part deinz le Roialme & qil ne null autre lige du Roi uſe null autre meſure ne pois ſur les peines contenuz en leſtatutz en faitz devant ces heures.

' ITEM it is ordained and aſſented, That all the ' Weights and Meaſures through the Realm ſhall ' be according to the Standard of the Exchequer, after ' the Purport of the Statutes thereof made. And the ' King willeth, That the Clerk of the Market ſhall ' have all his Meaſures and Weights ready [*of Braſs*] ' according to the Standard of the Exchequer, and ' ſigned and marked of the Sign of the Exchequer ' thereunto ordained; and the ſame Weights and ' Meaſures ſo ſigned and marked, to carry and bring ' with him at all Times, when he ſhall make the Aſſay ' of Weights and Meaſures in any Part within the ' Realm; and that he, nor any other of the King's ' liege People, ſhall uſe any other Meaſure nor ' Weight, upon the Pains contained in the Statutes ' thereof made before this Time.'

4 Inſt. 273. 9 H. 3. ſtat. 1. c. 25. 14 Ed. 3. ſtat. 1. c. 12.

34 Ed. 3. c. 5. *See farther Index, tit.* Weights *and* Meaſures.

CAP. IV.

Who may only wear another's Livery.

Rep. 3 Car. 1. c. 4. ſect. 27.

CAP. V.

Præmunire for purchaſing Bulls from *Rome*. The Crown of *England* ſubject to none.

ITEM come les communes du Roialme en ceſt preſent parlement eient monſtrez a noſtre treſredoute Seignur le Roi grevouſement compleignantz qe par la ou meſme noſtre Seignur le Roi & toutz ſes liges deivent de droit & ſoloient de tout temps purſeuer en la Courte meſme noſtre Seignur le Roi pur recoverer lour preſentementz as eſgliſes prebendes & autres benefices de ſeinte eſgliſe as queux ils ount droit a preſenter la coniſance de plee de quelle preſente appertient ſoulement a Courte meſme noſtre Seignur le Roi daunciene droit de ſa coroune uſe & approve en temps de touz ſes progenitours Rois dEngleterre & qant juggement ſoit rendu en meſme ſa Courte ſur tiel plee & preſente les Ercevéſques Eveſques & autres perſones ſpirituеles qount inſtitution de tiele benefice deinz lour juriſdiction ſont tenuz & ont fait execution des

" ITEM, Whereas the Commons of the Realm in this preſent Parliament have ſhewed to our redoubted Lord the King, grievouſly complaining, That whereas the ſaid our Lord the King, and all his liege People, ought of Right, and of old Time were wont to ſue in the King's Court, to recover their Preſentments to Churches, Prebends, and other Benefices of holy Church, to the which they had Right to preſent, the Cogniſance of Plea of which Preſentment belongeth only to the King's Court of the old Right of his Crown, uſed and approved in the Time of all his Progenitors Kings of *England*; and when Judgment ſhall be given in the ſame Court upon ſuch a Plea and Preſentment, the Archbiſhops, Biſhops, and other ſpiritual Perſons which have Inſtitution of ſuch Benefices within their Juriſdiction, be bound, and have made Execution of ſuch

1 Leon, 292. 12 Co. 37, 40.

The Remedy to recover Preſentments to Benefices in the King's Court, and the Execution thereof, is done by the Biſhop.

Ex Rot. in Turr. Lond.

" Judgements by the King's Commandments of all the " Time aforeſaid without Interruption (for another " Lay-perſon cannot make ſuch Execution) and alſo " be bound of Right to make Execution of many other " of the King's Commandments, of which Right the " Crown of *England* hath been peaceably ſeiſed, as " well in the Time of our ſaid Lord the King that " now is, as in the Time of all his Progenitors till this " Day: But now of late divers Proceſſes be made " by the Biſhop of *Rome*, and Cenſures of Excommu- " nication upon certain Biſhops of *England*, becauſe " they have made Execution of ſuch Commandments, " to the open Diſheriſon of the ſaid Crown, and De- " ſtruction of the Regality of our ſaid Lord the King, " his Law, and all his Realm, if Remedy be not pro- " vided. And alſo it is ſaid, and a common Clamour " is made, that the ſaid Biſhop of *Rome* hath ordained " and purpoſed to tranſlate ſome Prelates of the ſame " Realm, ſome out of the Realm, and ſome from one " Biſhoprick into another within the ſame Realm, " without the King's Aſſent and Knowledge, and " without the Aſſent of the Prelates, which ſo ſhall be " tranſlated, which Prelates be much profitable and " neceſſary to our ſaid Lord the King, and to all his " Realm; by which Tranſlations (if they ſhould be " ſuffered) the Statutes of the Realm ſhould be defeat- " ed and made void; and his ſaid Liege Sages of his " Council, without his Aſſent, and againſt his Will, " carried away and gotten out of his Realm, and the " Subſtance and Treaſure of the Realm ſhall be car- " ried away, and ſo the Realm deſtitute as well of " Council as of Subſtance, to the final Deſtruction of " the ſame Realm; and ſo the Crown of *England*, " which hath been ſo free at all Times, that it hath " been in no earthly Subjection, but immediately " ſubject to God in all Things touching the Regalty " of the ſame Crown, and to none other, ſhould be " ſubmitted to the Pope, and the Laws and Statutes " of the Realm by him defeated and avoided at his " Will, in perpetual Deſtruction of the Sovereignty of " the King our Lord, his Crown, his Regalty, and of " all his Realm, which God defend.

The Pope awarded Proceſſes and Sentences of Excommunication againſt certain Biſhops for executing Judgements given in the King's Court.

The Pope's Tranſlation of Prelates out of the Realm, or from one ſpiritual Living to another. 25 Ed. 3. ſtat. 6. de Proviſ.

The Freedom of the Crown of England, and that it is in Subjection to no Realm.

tieux juggementz par mandement des Rois de tout le temps avantdit ſanz interruption qare autre lay perſone ne poet tiele execution faire & auxint ſont tenuz de droit de faire execution de pluſours autres mandementz noſtre Seignur le Roi de quele droit la corone dEngleterre ad eſte peiſiblement ſeiſy ſibien en temps noſtre dit Seignur le Roi come en temps de touz ſes progenitours tanqe enca Mes ore tarde diverſes proceſſes ſont faitz par le ſeint piere le Pape & cenſures deſcomengementz ſur certeins Eveſques dEngleterre pur ceo qils ount fait execution des tieux mandementz en overte deſheritance de la dite corone & deſtruction du regalie noſtre dit Seignur le Roy ſa ley & tout ſon Roialme ſi remedie ne ſoit mys. Et auxint dit eſt & commune clamour y ad qe le dit ſeint piere le Pape ad ordeigné & purpoſe de tranſlater aucuns Prelates de meſme le Roialme aſcuns hors du Roialme & aucuns de un Eveſchee a autre deinz meſme le Roialme ſaunz aſſent & coniſance noſtre Seignur le Roy & ſaunz aſſent du Prelat qi enſy ſerroit tranſlate queux Prelatz ſont moult profitables & neceſſaries a noſtre dit Seignur le Roi & tout ſon Roialme par queux tranſlations ſils fuſent ſufertz les eſtatutz du Roiaume ſerront defaitz & anientez & ſes ſages lieges de ſon conſeill ſanz ſon aſſent & encountre ſa voluntee ſubtrez & eſloignez hors de ſon roiaume & lavoir & treſore du roiaume ſerroit emporte & enſi meſme le roiaume deſtitut ſibien de counſeill come davoir a final deſtruction de meſme le Roialme & enſy la corone dEngleterre qad eſte ſi frank de tout temps qele nad hien null terrien ſoveraigne mes immediate ſubgit a Dieu en toutes choſes touchantz la regalie de meſme la corone & a null autre ſerroit ſubmys a Pape & les leys & eſtatutz du Roialme par luy defaitz enientez a ſa volente en perpe.uele deſtruction de la ſoveraynte noſtre Seignur le Roy ſa corone & ſa regalie & tout ſon Roialme qe Dieu defende.

" II. And moreover, the Commons aforeſaid ſay, " That the ſaid Things ſo attempted be clearly againſt " the King's Crown, and his Regality, uſed and ap- " proved of the Time of all his Progenitors; where- " fore they and all the Liege Commons of the ſame " Realm will ſtand with our ſaid Lord the King, and " his ſaid Crown, and his Regalty, in the Caſes afore- " ſaid, and in all other Caſes attempted againſt him, " his Crown, and his Regalty in all Points, to live " and to die. And moreover they pray the King, " and him require by Way of Juſtice, that he would " examine all the Lords in the Parliament, as well " Spiritual as Temporal ſeverally, and all the States " of the Parliament, how they think of the Caſes " aforeſaid, which be ſo openly againſt the King's " Crown, and in Derogation of his Regalty, and how " they will ſtand in the ſame Caſes with our Lord the " King, in upholding the Rights of the ſaid Crown " and Regalty. Whereupon the Lords Temporal " ſo demanded, have anſwered every one by himſelf, " that the Caſes aforeſaid be clearly in Derogation of " the King's Crown, and of his Regalty, as it is " well known, and hath been of a long Time known, " and that they will be with the ſame Crown and " Regalty in theſe Caſes ſpecially, and in all other

The Promiſe of the Commons to aſſiſt the King in defence of the Liberties of the Crown.

The like Promiſe of the Lords Temporal.

Et diſoient outre les communes avantdites qe les dites choſes enſi attemptez ſount overtement encountre la corone noſtre Seignur le Roi & ſa regalie uſe & approve du temps du toutz ſes progenitours par quoy ils & touz les lieges communes du meſme le Roialme veullant eſtere ovec noſtre dit Seignur le Roi & ſa dite corone & ſa regalie en les caſes avauntdites & en touz autres caſes attemptez encountre luy ſa corone & ſa regalie en toutz pointz a vivre & murer. Et prierent outre a noſtre Seignur le Roi & luy requiſtrent par voy de Juſtice qil vorroit examiner toutz les Seignurs en parlement ſibien ſpirituеles come temporeles ſeveralment & toutz les eſtatz du parlement coment lour ſemble des caſes avauntditz qe ſount ſi overtement encountre la corone noſtre Seignur le Roy & en derogation de ſa regalie & coment ils voillent eſtere en meſmes les caſes oveſqe noſtre Seignur le Roy en ſuſtenance des droitz de ſes ditz corone & regalie. Sur quoy les Seignurs temporelx enſi demandez ount reſpondu checun par ſoy qe meſmes les caſes avantdites ſont overtement en derogation de la corone noſtre Seignur le Roy & de ſa regalie come notoirement eſt & ad eſte de tout temps conuz & qe ils veullent eſtre ovec meſmes les corone

& regalie

Ex Rot. in Turr. Lond.

& regalie en meſmes ceſtes caſes en eſpecial & en touz autres caſes qe ſerront attemptez encountre meſmes les corone & regalie en toutz pointz ove tout lour poair. Et outre ce demandez eſtoit des Seignurs eſpirituels illeqes eſteantz & des procuratours des autres abſentz de lour eſtre avys & volente en ceux caſes queux Seignurs ceſtaſſavoir Erceveſques Eveſques & autres Prelates eſteantz en le dit parlement ſeveralment examinez feſantz proteſtations qil neſt pas lour entention de dire ne affermer qe noſtre Seint Piere le Pape ne poet excomenger Eveſques ne quil poet faire tranſlations des Prelatz ſolonc la ley de Seinte eſgliſe reſpoignent & diount qe ſi aucunes executions des proceſſes faitz en la Courte du Roi come devaunt ſoient faitz par aſcuny & cenſures de eſcomengementz ſoient faitz encountre aſcun Eveſque d Engleterre ou aſcun autre liege du Roi pur ce qils ount fait execution des tieux maundementz & qe ſi aucuns executions des tieux tranſlations ſoient faitz daſcuns Prelatz de meſme le Roialme queux Seignurs ſount moult profitables & neceſſairs a noſtre dit Seignur le Roi & a ſon roiaume ſuiſdit ou qe les ſages lieges de ſon counſeil ſaunz ſon aſſent & encountre ſa volunte ſoient ſuſtretz & eſloignez hors du Roialme ſiqe lavoir & treſor du Roialme purroit eſtre deſtruit qe ce eſt encountre le Roi & ſa corone ſicome eſt contenuz en la petition avant nome. Et ſemblablement les ditz procuratours cheſcun par ſoy examine ſur le ditz matieres ount reſpondu & dit en noun & pur lour Seignurs come les ditz Eveſques ount dit & reſpondu & qe les ditz Seignurs eſpirituels veullent & deivent eſtere oveſqe le Roi noſtre Seignur en ceux caſes loialment en ſuſtenance de ſa corone & en toutz autres caſes tochantz ſa corone & regalie come ils ſount tenuz par lour ligeance Sur quoy noſtre dit Seignur le Roi del aſſent avauntdit & a la priere de ſa dit communalte ad ordeigne & eſtablie qe ſi aſcun purchace ou purſue ou face purchacer ou purſuer en la courte de Rome ou aillours aſcuns tieux tranſlations proceſſes & ſentences de eſcomengementz bulles inſtrumentz ou autre choſe qeconqe qe touche le Roi noſtre Seignur encountre luy ſa corone & regalie ou ſon Roialme come devant eſt dit & ceux qe les porte deinz le Roialme ou les reſceive ou face ent notification ou autre execution queconqe deinz meſme le Roialme ou dehors ſoient ils lour notairs procuratours meintenours abbettours fautours & conſeillours mys hors de la protection noſtre dit Seignur le Roy & lours terres & tenementz biens & chatieux forfaitz au Roy noſtre Seignur & qils ſoient attachez par lour corps ſils purront eſtre trovez & ameſnez devaunt le Roy & ſon conſeil pur y reſpondre es caſes avaunditz ou qe proceſſe ſoit fait devers eux par premunire facias en manere come eſt ordeigne en autres eſtatutz des proviſours & autres qui ſeuent en autry courte en derogation de la regalie noſtre Seignur le Roy.

" Caſes which ſhall be attempted againſt the ſame " Crown and Regalty in all Points, with all their " Power. And moreover it was demanded of the " Lords Spiritual there being, and the Procurators of " others being abſent, their Advice and Will in all " theſe Caſes; which Lords, that is to ſay, the Archbiſhops, Biſhops, and other Prelates, being in the " ſaid Parliament ſeverally examined, making Proteſtations, that it is not their Mind to ſay, nor affirm, " that the Biſhop of *Rome* may not excommunicate " Biſhops, nor that he may make Tranſlation of Prelates after the Law of holy Church, anſwered and " ſaid, That if any Executions of Proceſſes made in " the King's Court as before be made by any, and " Cenſures of Excommunications to be made againſt " any Biſhops of *England*, or any other of the King's " Liege People, for that they have made Execution " of ſuch Commandments; and that if any Execu- The Promiſe of the Lords Spi-
" tions of ſuch Tranſlations be made of any Prelates ritual touching
" of the ſame Realm, which Prelates be very profitable the Commons
" and neceſſary to our ſaid Lord the King, and to Petition.
" his ſaid Realm, or that the ſage People of his Coun-
" cil, without his Aſſent, and againſt his Will, be re-
" moved and carried out of the Realm, ſo that the
" Subſtance and Treaſure of the Realm may be con-
" ſumed, that the ſame is againſt the King and his
" Crown, as it is contained in the Petition before
" named. And likewiſe the ſame Procurators, The Promiſe of
" every one by himſelf examined upon the ſaid Mat- the Procurators
" ters, have anſwered and ſaid in the Name, and for of the Lords
" their Lords, as the ſaid Biſhops have ſaid and an- Spiritual being
" ſwered, and that the ſaid Lords Spiritual will and abſent.
" ought to be with the King in theſe Caſes in law-
" fully maintaining of his Crown, and in all other
" Caſes touching his Crown and his Regalty, as they
" be bound by their Ligeance;" ' whereupon our
' ſaid Lord the King, by the Aſſent aforeſaid, and at
' the Requeſt of his ſaid Commons, hath ordained and
' eſtabliſhed, That if any purchaſe or purſue, or cauſe Præmunire for
' to be purchaſed or purſued in the Court of *Rome*, or purchaſing of
' elſewhere, by any ſuch Tranſlations, Proceſſes, and Bulls or other
' Sentences of Excommunications, Bulls, Inſtruments, Inſtruments
' or any other Things whatſoever which touch the from Rome, or
' King, againſt him, his Crown, and his Regalty, elſewhere.
' or his Realm, as is aforeſaid, and they which bring 27 Ed. 3. ſtat.
' within the Realm, or them receive, or make thereof 1. c. 1.
' Notification, or any other Execution whatſoever 7 R. 2. c. 12.
' within the ſame Realm or without, that they, their 5 Ed. 4. f. 6.
' Notaries, Procurators, Maintainers, Abettors, Fau- 9 Ed. 4. f. 3.
' tors, and Counſellors, ſhall be put out of the *See* 5 *El. c.* 1.
' King's Protection, and their Lands and Tenements, *for the Penalty*
' Goods and Chattels, forfeit to our Lord the King; *of maintaining*
' and that they be attached by their Bodies, if they *the Authority of*
' may be found, and brought before the King and his *Rome, and* 13 *El.*
' Council, there to anſwer to the Caſes aforeſaid, *c.* 2. *againſt*
' or that Proceſs be made againſt them by *Præmunire* *bringing Bulls,*
' *facias*, in Manner as it is ordained in other Statutes *&c. from Rome.*
' of Proviſors, and other which do ſue in any other Regiſt. jud. 82.
' Court in Derogation of the Regalty of our Lord Co. pla. 435.
' the King.' Raſt. 24. 465.

CAP. VI.

A Repeal of the Part of the Statute of 13 *R.* 2. *Stat.* 2. *c.* 1. touching his Forfeiture that obtaineth a Pardon.

Ex Rot. in Turr. Lond.

In a Pardon of Murder, Treaſon, or Rape, the Offence ſhall be compriſed.

" ITEM, Whereas in an Article of a Statute made " in the Parliament holden at *Weſtminſter*, the " *Monday* next after the Feaſt of St. *Hillary*, the " Thirteenth Year of the Reign that now is, it was " ordained and granted, That no Charter of Pardon " from thence ſhould be allowed before any Juſtices " for Murder, Death of a Man ſlain by Await, Aſ- " ſault, or Malice prepenſed, Treaſon, or Rape of a " Woman, if it were not ſpecified in the ſame Char- " ter. And if any Charter of the Death of Man " were alledged before any Juſtices, in which Charter " was not ſpecified, that he of whoſe Death any " ſuch was arraigned, was murdered, or ſlain by " Await, Aſſault, or Malice prepenſed, the Juſtices " ſhould inquire, by a good Inqueſt of the *Viſne* " where the dead Perſon was ſlain, if he were mur- " dered or ſlain by Await, Aſſault, or Malice pre- " penſed: and if they ſhould find that he was mur- " dered or ſlain by Await, Aſſault, or Malice pre- " penſed, the Charter ſhould be diſallowed, and more- " over done as the Law ſhould require;" ' which ' Things our Lord the King doth will and grant, ' that they ſhall be firmly holden and kept. And ' moreover, by the Aſſent of the Lords in this preſent ' Parliament, and at the Prayer of the Commons, he ' hath ordained and granted, That the Reſidue of the ' ſaid Article ſhall be wholly out, repealed, and ad- ' nulled; that is to ſay, If any ſue to the King,' *&c.* [*to the End of cap.* 1.] ' becauſe that the ſaid Com- ' mons of the Realm ſithence have perceived great ' Grievance of this Ordinance aforeſaid, for that ma- ' ny People for Malice have indicted divers Perſons of ' Murder, Death of a Man ſlain by Await, Aſſault, ' and Malice prepenſed, and Treaſon, where in Truth ' there was no ſuch Cauſe, to the Intent that no Man ' ſhould be bold to ſue to the King our Lord for ſuch ' Charter.'

A Confirmation of the firſt Part of the Statute of 13 R. 2. ſtat. 2. c. 1. and a Repeal of the latter Part thereof.

ITEM come en un article dun eſtatut fait a parlement tenuz a Weſtm' Lunedy prochein apres le feſt de Seint Hiller lan xiii. noſtre Seignur le Roy qore eſt ordeigne fuiſt & graunte qe nulle chartre de pardon delors ſerroit allowe devaunt queconques Juſtices pur murdre mort de homme occys par agaite aſſaut ou malice prepenſe treſon ou rape de femme ſi meſme le murdre ou mort de homme occys par agait aſſaute ou malice prepenſe treſon ou rape de femme ne fueſſent eſpecifiez en meſme la chartre & ſi chartre de mort de homme feuſſe alegge devaunt queconqes Juſtices en quelle chartre ne feuſſe eſpecifiez qe celuy de qi mort aſcune tiel feuſſe arrene feuſſe murdre ou occys par agait aſſaut au malice prepenſe enquergeroient les Juſtices par bone enqueſte del viſne ou le mort feuſt occys ſil feuſt murdre ou occys par agaite aſſaut ou malice prepenſe & ſils troeverent qil feuſt murdre ou occys par agaite aſſaut ou malice prepenſe ſerroit la chartre diſallowe & outre fait ſolonc ceo qe la ley demaunderoit les queux choſes noſtre Seignur le Roi voet & grante qils ſoient fermement tenuz & gardez. Et outre de laſſent des Seignurs en ceſt preſent parlement & a la prier de ſa dit communalte ad ordeigne & graunte qe le remenant du dit article ſoit de tout ouſte repelle & adnulle ceſtaſſavoire Qe ſi aſcun prieroit au Roy &c. *ad finem* cap. 1. pur ceo qe la dite communalte du Roialme puis en cea ount ſentu moult grant grevance del ordinance avauntdite a cauſe qe pluſours gentz par malice ount endite diverſes perſonnes de murdre mort de homme occys par agait aſſaut & malice prepenſe & treſon ou en verite le cas ne feuſt pas tiel a fyn qe null homme oſereit prier a noſtre Seignur le Roy pur tiele chartre.

REX vicecomiti Kanc' ſalutem. Quoddam ſtatutum in parliamento noſtro apud Wynton' in octabis ſancti Hillarii ultimo preteritis convocato de aſſenſu Prelatorum Magnatum & Communitatis regni noſtri Anglie ibidem exiſtentium ad communem utilitatem populi ejuſdem regni editum tibi mittimus ſigillo noſtro conſignatum mandantes quod ſtatutum predictum ac omnes & ſingulos articulos in eodem contentos infra ballivam tuam in locis ubi melius expedire videris legi & publice proclamari ac quantum ad te pertinet inviolabiliter obſervari facias. T. R. apud Weſtm' primo die Maii.

Per ipſum Regem.

Conſimilia brevia diriguntur ſingulis vicecomitibus per Angliam ac Johanni Duci Aquitanie & Lancaſtrie & ejus Cancellario in dicto ducatu Lancaſtrie ſub eadem data.

Per ipſum Regem.

Statutes made at Weſtminſter, Anno 17 RICH. II. *and* Anno Dom. 1393.

Ex Rot. in Turr. Lond. *m.* 5.

" THESE be the Things ordained and eſtabliſh- " ed by our Lord the King at his Parliament " holden at *Weſtminſter* the fifteenth Day of St. *Hillary*, " the ſeventeenth Year of his Reign, by the Aſſent of

CES ſont les choſes ordeignez & eſtabliz par noſtre Seignur le Roi a ſon parlement a Weſtm' al quinzeine de ſeint Hiller lan de ſon regne dys & ſeptiſme par aſſent du dit parlement

les

Ex Rot. in Turr. Lond. *m.* 5.

les quelles il voet & comande qils ſoient fermement tenuz & gardez ſolonc la purport dicelles.

" the ſaid Parliament, which he doth will and command, that they ſhall be firmly holden and kept after the Purport of the ſame."

CAP. I.

There ſhall be no melting of Money to make any Thing thereof. Foreign Money ſhall not be current.

PRimerement qe come ordeigne fuiſt par le noble Roi EDWARD Aiel noſtre Seignur le Roi lan de ſon regne diſme qe null eſterlyng mail ne ferlyng ſoit foundu pur veſſel nautre choſe ent affaire par orfevre nautres ſur peine de forfaiture de monoie foundu & empriſonement del foundour tanqil avera renduz au Roi la moite de ceo qil avera iſſint foundu Nientcontreſteant chartre ou franchiſe grantez ou uſez a contraire accordez eſt & aſſentuz qe la dite ordinance ſoit fermement tenuz & gardez. Et enoutre eſt ordenez & aſſentuz qe nul grote ne dimy grote ſoit foundu par nully pur veſſel nautre choſe ent affaire ſur meſme la peine. Et qe nul monoie dore ne dargent dEſcoce ne des autres terres dela la meer courge en nul manere paiement deinz le Roialme dEngleterre mais ſoit portez a la bullion pur y eſtre tournez en la coigne dEngleterre ſur peine de forfaiture dicelle & dempriſonement & fyn & raunceon de cely qi face le contraire & qe nul porte nenvoie aſcune monoie dEngleterre en Eſcoce pur le chaunger en monoie ou pur monoie dEſcoce ſur la peine proſcheine avauntdite.

" FIRST, Where it was ordained by the noble King EDWARD, Grandfather to our Lord the King, the Tenth Year of his Reign, That no Sterling, Half-peny, nor Farthing, ſhall be molten for Veſſel, nor other Thing thereof to be made by the Goldſmith, nor others, upon Pain of Forfeiture of the Money ſo molten, and Impriſonment of the Founder, till he have yielded to the King the half of that which he hath ſo molten, notwithſtanding any Charter or Franchiſe granted or uſed to the contrary;" ' it is accorded and aſſented, That the ſaid ' Ordinance ſhall be firmly holden and kept. And ' moreover it is ordained and aſſented, That no Groat ' nor half Groat ſhall be molten by any Man to make ' Veſſel, or other Thing thereof, upon the ſame Pain. ' And that no Gold nor Silver of *Scotland*, nor of other ' Lands beyond the Sea, ſhall run in any manner of ' Payment within the Realm of *England*, but ſhall be ' brought to the Bullion, there to be molten in the ' Coin of *England*, upon Pain of Forfeiture of the ' ſame, and of Impriſonment, Fine, and Ranſom of ' him which doth contrary; and that no Man ſhall ' ſend any *Engliſh* Money into *Scotland* to change the ' ſame in Money, or for *Scottiſh* Money, upon the Pain ' next aforeſaid.'

9 Ed. 3. ſtat. 2. c. 3. No Sterling Money ſhall be melted for Veſſel;

nor Groat nor half Groat. 17 Ed. 4. c. 1.

No foreign Coin ſhall be current in England;

nor Exchange made of Engliſh Money for Scottiſh Money. *Enforced by* 19 H. 7. c. 5. 13 & 14. Car. 2. c. 31.

CAP. II.

Every Perſon may make Cloth of what Length and Breadth he will.

ITEM qe cheſcun homme de Roialme purra faire mettre a vent & vendre draps ſibien de Karſeys come autres de tiel longure & laeure come luy plerra paiant launage ſubſide & autres devoirs ceſtaſſavoir de cheſcune pece de drap ſolonc lafferant nientcontreſteant aſcun eſtatut ordinance proclamation reſtreint ou defenſe fait au contraire. Et qe nully vende ne mette a vendre aſcuns draps avaunt qils ſoient aunez par launour du Roi & enſeallez du ſeal a ceo ordeigne ſur les peines contenuz en leſtatutz ent faitz. Et qe nully mette ne melle cauce ne face autre fraude en les draps de Kerſeys ſur peine de forfaiture dicelles.

Word Cloth, ſee 47 Ed. 3. c. 1.

" ITEM, That every Man of the Realm may make and put to Sale and ſell Cloths, as well Kerſeys as others, of ſuch Length and Breadth as him pleaſe, paying the Aulnage, Subſidy, and other Duties; that is to ſay, of every Piece of Cloth after the Rate, notwithſtanding any Statute, Ordinance, Proclamation, Reſtraint, or Defence made to the contrary. ' And that none ſhall ſell or put to Sale any Cloths before that they be meaſured by the King's Aulneger, ' and ſealed with the Seal to that ordained, upon the ' Pains contained in the Statutes thereof made. And ' that no Man ſhall put, mingle, cauſe nor make ' other Deceit in the Cloths of Kerſeys, upon Pain ' of Forfeiture of the ſame.'

4 H. 4. c. 24. Rep. 5 & 6 Ed. 6. c. 6.

What to be underſtood by the *Aulnage Duties*.

Enforced by 11 H. 6. c. 9. *See* 11 & 12 *W.* 3. c. 20. *which takes away*

CAP. III.

What Sort of Worſteds may be carried forth of the Realm, and what not.

ITEM qe les marchants & overours de draps appellez ſengleworſtede purront ameſner boltes de ſengleworſtede as queux parties qe lour plerra forſpris as enemys du Roi paiantz les cuſtumes & ſubſides ent duez ſanz paier les devoirs de Caleys nientcontreſteant aſcun eſtatut ordenaunce proclamation inhibition lettres maundementz ou chartres libertes uſages ou privileges grantez ou a grantiers a les burgeis de Caleys

ou

Ex Rot. in Turr. Lond.

ou a les merchantz de leſtaple de Caleys ou aſcuns autres faitz ou affairs a contraire & qe les obligations & ſeurtes priſez devaunt ces heures pur les devoirs de Caleys ſoient reſtitutz & deliverez. Purveuz touz foitz qe deſoutz colour des ditz boltes de ſengleworſtede ils nameſnent aſcuns doubles worſtedes ne dimy doubles ne worſtedes raiez ne motlez ſur peine de forfaiture dicelles.

CAP. IV.

Malt ſold to *London* ſhall be cleanſed from the Duſt.

'ITEM, That the Malt which ſhall be made in the Counties of *Huntingdon*, *Cantabridge*, *Hertford*, *Northampton*, and *Bedford*, that ſhall be ſold and brought to the City of *London*, to victual the King's Houſhold, and other Lords Houſholds, and Gentlemens there dwelling and repairing, and alſo for Suſtenance of all the People of the ſaid City, ſhall be well and ſufficiently ſifted, cleanſed, and purified, before the Sale of the ſame, from Duſt and all other Filth, ſo that the Buyers may have eight Buſhels of clean Malt for the Quarter. And that the Mayors, Bailiffs, and Wardens of Towns and Places where ſuch Malt ſhall be ſold, ſhall have Power at every Man's Suit that will complain, to ſee and ſearch the ſaid Malt, and if Default be found thereof, to make due Redreſs.'

Enforced by 2 & 3 Ed. 6. c. 10.

ITEM qe les brees qe ſerra fait en les countees de Huntyngdon Cantebr' Hertf' North' & Bed' qe ſerra venduz & ameſnez a la Citee de Londres pur vitailler loſtiel du Roi & les hoſtielx dautres Seignurs & gentils illoeqes demorantz & repeirantz & auxint pur ſuſtenance de tout le poeple de dite Citee ſoit bien & covenablement nettez moundez & purifiez devaunt le vent dicell de poudre & de tout autre ordure iſſint qe les achatours purront avoir oept buſſelx de pure brees pur le quarter. Et qe les mairs baillifs & gardeins des villes & lieux ou tiel brees ſerra venduz eint poair a cheſcuny ſeute qe pleindre ſe voudra de veer & ſercher le dit brees & ſi defaute ſoit trove dent faire due redreſſe.

See 13 *W.* 3. *c.* 5. *which impoſes the Malt Tax; and farther* 12 *Ann. ſtat.* 1. *c.* 2. 1 *Geo.* 1. *ſtat.* 2. *c.* 2. 6 *Geo.* 1. *c.* 21. 9 *Geo.* 1. *c.* 3. 12 *Geo.* 1. *c.* 4. 2 *Geo.* 1. *c.* 1. 3 *Geo.* 2. *c.* 7. 30 *Geo.* 2. *c.* 4. *and* 33 *Geo.* 2. *c.* 3 & 7. *See likewiſe the annual Malt Acts.*

CAP. V.

A Searcher, Gauger, Aulneger, Cuſtomer, ſhall have no aſſured Eſtate in his Office.

Dyer 303.

'ITEM, It is ordained and eſtabliſhed, That no Searcher, Gauger of Wines, Aulneger, Tronour, nor Weigher of Wools, or any other Merchandiſes, Collector of Cuſtoms and Subſidies whatſoever, or Comptroller, ſhall have Eſtate in his Office for Term of Life, or of Years; but that the ſaid Offices ſhall remain in the King's Hands under the Governance of the Treaſurer for the Time being, with the Aſſent of the Council, when Need is; and if any Charters or Letters Patent be made to the contrary, they ſhall be clearly adnulled, void, and of none Effect.'

14 R. 2. c. 10. *See* 1 H. 4. c. 13. 4 H. 4. *c.* 20 & 24. 13 H. 4. *c.* 5. 31 H. 6. c. 5. 1 *Eliz. c.* 11. *ſ.* 8. 18 *El. c.* 9. *ſect.* 5. *which put Cuſtomers, &c. under ſeveral Reſtrictions. See likewiſe* 11 & 12 *W.* 3. *c.* 20. *which take away Aulnage Duties.*

ITEM ordeignez eſt & eſtabli qe null ſercheour gaugeour des vins auneour tronour ou peiſour de leynes ou aſcuns autres marchandiſes collectours de cuſtumes & ſubſides quecunques ou controllour eit eſtat en ſon office a terme de vie ou des ans eins qe les ditz offices demurgent es mains du Roi ſouz governance del Treſorer pur le temps eſteant oveſqe laſſent du conſeil quant y boſoigne & ſi aſcuns chartres ou lettres patentes ſoient faitz au contraire ſoient outrement voides & de nul effect.

CAP. VI.

Upon an untrue Suggeſtion in the Chancery, Damages may be awarded.

"ITEM, Foraſmuch as People be compelled to come before the King's Council, or in the Chancery by Writs grounded upon untrue Suggeſtions;" that the Chancellor for the Time being, preſently after that ſuch Suggeſtions be duly found and proved untrue, ſhall have Power to ordain and award Damages according to his Diſcretion, to him which is ſo troubled unduly, as afore is ſaid.'

By 15 H. 6. c. 4. *no Subpœna to be granted till Surety found to ſatisfy Defendant his Damages, if Bill not verified.* 4 Inſt. 82.

ITEM qe qant gentz ſont faitz venir devaunt le counſeil du Roi ou en la Chancellarie par briefs founduz ſur ſuggeſtions nient vrais qe le Chanceller pur le temps eſteant maintenant apree qe tielx ſuggeſtions ſont duement trovez & provez nient veritables eit poair dordeigner & agarder damages ſolonc ſa diſcretion a celuy qeſt iſſint travaillez noun duement come deſuis.

CAP. VII.

All the King's Subjects may carry Corn out of the Realm when they will.

Rep. 1 Jac. 1. c. 28.

CAP.

CAP. VIII.

The Sheriffs, and all other the King's Officers, ſhall ſuppreſs Rioters, and impriſon them, and all other offending againſt the Peace.

Ex Rot. in Turr. Lond.

ITEM coment qa parlement tenuz a Weſtm' lan du regne noſtre Seignur le Roi qore eſt quint pur ceo qe villeins & autres meffeſours tard devaunt leverent par aſſemblees & outrageouſe nombre en diverſes parties de Roialme encontre la dignitee noſtre Seignur le Roi & ſa corone & les leies de ſa terre defendu fuiſt par noſtre Seignur le Roi eſtroitement a touz maners des gentz qe nul delors ſerroit ou recomenceroit tielx riot ou rumour nautres ſemblables & ſi nully le ferroit & ceo prove duement ſerroit fait de luy come de traitour au Roi & ſon Roialme Nientmeins grevouſe pleint fuiſt fait a noſtre dit Seignur le Roi en ceſt preſent parlement qe diverſes gentz nient eiantz conſideration a dit defenſe ſibien en les countees de Ceſtre Lancaſtre & aillours en Engleterre ont faitz tielx aſſemblees en outrageouſe nombre pur accomplir lour malice encontra la pees noſtre Seignur le Roi ſa corone & ſa dignite & les leies de ſa terre par quoi noſtre Seignur le Roi en ceſt preſent parlement ad defendu a touz ſes lieges ſibien Seignurs come autres de quecunqe eſtat qils ſoient qe null face tielx aſſemblees riot ou rumour encontre la pees en nul manere & ſi aſcun tiel aſſemble ſoit comenceat a pluis toſt qe viſcontz & autres miniſtres le Roi poent ent avoir coniſſance ove la force du countee & pais ou tiel cas aviegne mettent deſtourbance encontre tiel malice ove tout lour poair & preignent tielx meffeſours & les mettent en priſone tanqe due execution de leie ſoit fait de eux & qe touz Seignurs & autres liges du Roialme ſoient entendantz & aidantz de tout lour force & poair as viſcontz & miniſtres avauntditz en tiel cas.

"ITEM, Whereas at the Parliament holden at *Weſtminſter*, the *Fifth* Year of the Reign of our Sovereign Lord the King that now is; foraſmuch as Villaines and other Offenders of late have riſen by Aſſemblies and outrageous Number in divers Parties of the Realm, againſt the King's Dignity and his Crown, and the Laws of his Land; it was ſtraintly defended by the King to all Manner of People, That none from henceforth ſhould make, or begin again ſuch Riot or Rumour, nor other like; and if any Man did, and that duly proved, he ſhould be taken as a Traytor to the King and his Realm. Nevertheleſs a grievous Complaint was made to our Sovereign Lord the King in this preſent Parliament, That diverſe People not having Conſideration to the ſaid Defence, as well in the Counties of *Cheſter*, *Lancaſter*, and elſewhere in *England*, have made ſuch Aſſemblies in outrageous Manner, to accompliſh their Malice againſt the King's Peace, his Crown, his Dignity and the Laws of his Land:" 'Wherefore our Sovereign Lord the King in this preſent Parliament hath defended to all the liege People, as well Lords as other, of whatſoever Eſtate that they be, that none ſhall make ſuch Aſſemblies, Riot, or Rumour againſt the Peace in no wiſe; and if any ſuch Aſſembly be begun as ſoon as the Sheriffs and other the King's Miniſters may thereof have Knowledge, they with the Strength of the County and Country, where ſuch Caſe ſhall happen, ſhall ſet Diſturbance againſt ſuch Malice with all their Power, and ſhall take ſuch Offenders, and them put in Priſon, till due Execution of the Law be of them made, and that all Lords and other liege People of the Realm, ſhall be attending and aiding with all their Strength and Power to the Sheriffs and Miniſters aforeſaid.'

Enforced by 13 H. 4. c. 7. Hale H. P. C. 1 Vol. 496.

See farther 2 H. 5. *ſtat.* 1. *c.* 8 & 9. 11 H. 7. *c.* 7. 19 H. 7. *c.* 13. 21 H. 8. *c.* 20. 3 & 4 *Ed.* 6. *c.* 5. 1 *Mar. ſeſſ.* 2. *c.* 12. 1 *El. c.* 16. *and* 1 *Geo.* 1. *ſtat.* 2. *c.* 5. *by which laſt Act certain Kinds of Riots are made Felony without Benefit of Clergy.*

CAP. IX.

Juſtices of Peace ſhall be Conſervators of the Statutes made touching Salmons.

ITEM come contenu ſoit en leſtatut de Weſtm' ſeconde qe ſalmoſeux ne ſoient priſez ne deſtruitz par rees ne par autres engines a leſtankes de molyns de dimy April tanqe la Nativite de ſeint Johan le Baptiſtre ſur certeine peine limite en meſme leſtatut. Et come par eſtatut fait lan treſzime noſtre Seignur le Roi qore eſt ordeigne fuiſt qe le dit eſtatut de Weſtm' ſeconde ſerroit fermement tenuz & gardez ajouſte a icell qe ſalmoſeux ne fuſſent priſez a leſtankes des molyns naillours ſur meſme la peine & qe null peſchour ne garthman ne null autre de quel eſtat ou condition qil fuſſe ne mettroit delors en avaunt en les eawes de Thamiſe Humbre Ouſe Trent ne null autre eawe du Roialme par le dit temps ne par null autre temps del an aſcun rees appellez ſtalkers nautres rees nengines quecunqes par les quels le frie ou brood des ſalmons laumprais

"ITEM, Where it is contained in the Statute of *Weſtminſter* the Second, that young Salmons ſhall not be taken nor deſtroyed by Nets, or by other Engines, at the Stanks of Mills, from the Midſt of *April* till the Nativity of St. *John* the *Baptiſt*, upon a certain Pain limited in the ſame Statute: And whereas by a Statute made the xiii Year of the King that now is, it was ordained, That the ſaid Statute of *Weſtminſter* the Second ſhould be firmly holden and kept, joining to the ſame, That young Salmons ſhould not be taken at the Mills, Stanks, or elſewhere, upon the ſame Pain: And that no Fiſher nor Garthman, nor none other, of what Eſtate or Condition that he were, ſhould not put from henceforth in the Waters of *Thamiſe*, *Humber*, *Ouſe*, *Trent*, nor none other Water of the Realm, by the ſaid Time, nor by none other Time of the Year, any Nets called Stalkers, nor other Nets or Engines whatſoever, whereby the Fry or Breed of Salmons, Lampreys, "or

13 Ed. 1. ſtat. 1. c. 47. 13 R. 2. ſtat. 1. c. 19.

Stalkers nor other Nets ſhall be uſed to deſtroy the Fry or Breed of Fiſh.

" or of any other Fiſh whatſoever, may in any wiſe be " taken or deſtroyed, upon the Pain aforeſaid. And " alſo it was rehearſed in the ſaid Statute, made the " ſaid thirteenth Year, that where it is contained in " the ſame Statute of *Weſtminſter*, that all the Waters " in which Salmons be taken in the Realm, ſhall be " put in Defence, as to the taking of Salmons, from " the Day of the Nativity of our Lady, till St. *Mar-* " *tin*'s Day; it was ordained and aſſented in the ſaid " Statute made in the ſaid xiii. Year, That the Waters " of *Lone*, *Wyre*, *Merſee*, *Rybbyl*, and all other Waters " in the County of *Lancaſter*, ſhould be put in De- " fence, as to the taking of Salmons, from the Day of " St. *Michael* till the Day of the *Purification* of our " Lady, and in none other Time of the Year, becauſe " that Salmons be ſeaſonable in the ſaid Waters by the " Time aforeſaid. And that in the Parts where ſuch " Rivers be, good and ſufficient Conſervators of the " ſaid Statute made the ſaid thirteenth Year ſhould be " aſſigned and ſworn, as it was ordained in the Statute " of *Weſtminſter*, and that they ſhould puniſh the Of- " fenders upon the Pain contained in the ſame Statute " of *Weſtminſter*, without ſhewing any Favour thereof; " which Statutes have not been hitherto duly executed " for Default of good Conſervators, as our ſaid Lord " the King hath perceived by Complaint to him made " in this preſent Parliament:" ' Wherefore it is ac-

The Juſtices of Peace ſhall be Conſervators of the Statute of 13 Ed. I. ſtat. I. c. 47.

' corded and aſſented, That the Juſtices of the Peace ' of all the Counties of *England* ſhall be Conſervators ' of the ſaid Statutes in the Counties where they be ' Juſtices; and that they and every of them, at all ' Times when they may attend, ſhall ſurvey the Of- ' fences and Defaults attempted againſt the Statutes ' aforeſaid; and alſo ſhall ſurvey and ſearch all the ' Wears in ſuch Rivers, that they ſhall not be very ' ſtrait, for the Deſtruction of ſuch Fry and Brood, but ' of reaſonable Wideneſs after the old Aſſiſe uſed or ' accuſtomed; and that the ſame Juſtices, or any of ' them, which ſhall find Default or Abuſe againſt the ' Statutes aforeſaid, ſhall make due Puniſhment of them ' which be found in Default after the Content of the ' ſame Statute. And that the ſame Juſtices ſhall put

Under Conſervators appointed by the Juſtices.

' good and ſufficient Under Conſervators of the ſame ' Statutes under them, which ſhall be ſworn to make ' like Surveying, Search, and Puniſhment, without ' any Favour thereof to be ſhewed. And moreover, ' that the ſame Juſtices, in their Seſſions ſhall inquire ' as well by their Office, as at the Information of the ' Under Conſervators aforeſaid, of all Treſpaſſes, Miſ- ' priſions, and Defaults made againſt any of the Points ' aforeſaid, and ſhall cauſe them which be thereof in- ' dicted to come before them, and if they be thereof ' convict, they ſhall have Impriſonment, and make ' Fine after the Diſcretion of the ſame Juſtices; and if ' the ſame be at the Information of any of the Under ' Conſervators aforeſaid, the ſame Under Conſervator ' ſhall have the half of the ſame Fine. And foraſmuch ' as it is granted to the Citizens of *London*, by the ' King's Progenitors, that they may remove and take ' away all the Wears in the Waters of *Thames* and ' *Medway*, and that they ſhall have the Puniſhments

The Mayor of London ſhall have the Conſervation of the Statute in the Thames.

' thereof pertaining to the King; our ſaid Lord the ' King, in this preſent Parliament, by the Aſſent afore- ' ſaid hath granted, That the Mayor or Warden of ' *London* for the time being ſhall have the Conſervation ' of the Statutes aforeſaid, and ſhall make thereof due ' Execution, and like Puniſhment, as afore is ordain-

Ex Rot. in Turr. Lond.

ou dautre peſſoun quecunqe purra en aſcun manere eſtre pris ou deſtruitz ſur la peine ſuiſdite. Et auxint fuit reherce en le dit eſtatut fait lan treſziſme avaunt qe come contenue ſoit en meſme leſtatut de Weſtm' qe touz les eawes en queux ſalmons ſont priſes en le Roialme ſoient miſez en defenſe qant al priſe des ſalmons del jour de la Nativite de noſtre Dame tanqal jour de ſeint Martyn ordeigne fuiſt & aſſentuz en le dit eſtatut fait lan treſzime qe les ewes de Lone Wyre Merſde Ribbill & touz autres ewes el counte de Lancaſtre fuſent miſes en defenſe qant al priſe de ſalmons del jour de ſeint Michel tanqal jour de la Purification noſtre Dame & en null autre temps del an a cauſe qe ſalmons ne ſont pas ſeiſonables en les ditz ewes par le temps ſuiſdit. Et qe es parties ou tielx rivers ſont ſer- roient aſſignez & jurrez bones & ſuffiſantz conſer- vatours de dit eſtatut fait lan treſzime come fuiſt or- deigne en le dit eſtatut de Weſtm' & qils puniſſe- reient les treſpaſours ſur la peine contenue en meſ- me leſtatut de Weſtm' ſanz aſcuni favour ent faire queux eſtatutz nount pas eſte duement executz tanqe en cea pur defaute de bones conſervatours a ceo qe noſtre Seignur le Roi ad entendu par pleint a luy fait en ceſt preſent parlement par qei acorde eſt & aſſentu qe les juſtices de la pees en touz les countes dEngleterre ſoient conſervatours det ditz eſtatutz en les countees ou ils ſont juſtices & que eux & cheſcun de euxa touz les foitz qant ils poi- ent entendre ſurveint les meſpriſions & defautes attemptez encontre les eſtatutz avauntditz & aux- int ſurveient & ſerchent touz les gors en tielx rivers qils ne ſoient trop eſtreitz pur deſtruction de tiel frie & brood mes de reſonable overture ſolonc laun- cien aſſiſe & qe meſmes les juſtices ou celli de eux qe trove defaute ou meſpriſion encontre les eſtatutz avauntditz facent due puniſſement des treſpaſſours ſolonc la contenue de meſmes les eſtatutz. Et qe meſmes les juſtices mettent bons & ſuffiſantz ſub- conſervatours de meſmes les eſtatutz deſoutz eux qe ſoient jurez de faire ſemblable ſurvewe ſerche & puniſſement ſanz aſcun favour ent faire. Et qe outre ceo meſmes les juſtices en lour ſeſſions en- quergent ſibien de lour office come al information des ſubconſervatours avauntditz de touz treſpaſes meſpriſions & defautes faitz encontre aſcuns des pointz avauntditz & facent venir devaunt eux ceux que ſoient ent enditez & ſils ſoient ent convictz eient empriſonement & facent fyn ſolonc la diſcre- tion de meſmes les juſtices & ſi ceo ſoit al informa- tion daſcun de ſubconſervatours avauntditz eit meſme le ſubconſervatour la moite de meſme le fin. Et pur ceo qe grante eſt a Citeins de Londres par les progenitours noſtre Seignur le Roi qils poent remuer & prendre touz les kydels en les ewes de Tamiſe & Medewaie & qils eient les puniſſementz ent a Roi appurtenauntz noſtre dit Seignur le Roi en ceſt preſent parlement de laſſent avauntdit ad grante qe le Mair ou Gardein de Londres qi pur le temps ſerra eit la conſervation des eſtatutz avaunt- ditz & face ent due execution & ſemblable puniſſe-

ment

Ex Rot. in Turr. Lond.

ment come devaunt eſt ordeigne des juſtices de la pees en la dite ewe de Tamiſe del pont del Stanes a Londres & dilloeqes outre en meſme lewe & en la dite ewe de Medewaye ſi loyns come grante eſt as ditz Citeyns come devaunt eſt dit.

'ed of the Juſtices of the Peace, in the ſaid Water of *Thames*, from the Bridge of *Stanes* to *London*, and from thence over in the ſame Water, and in the ſaid Water of *Medeway*, as far as it is granted to the ſaid Citizens, as afore is ſaid.'

See farther Proviſions in the Index, tit. Fiſh, Salmon.

CAP. X.

Two learned Men in the Law ſhall be in Commiſſion of Gaol Delivery.

ITEM pur ceo qe larons notoriement diffamez & autres priſez ove mainoevre par long demure en priſone apres ceo qils ſont areſtuz ſont deliverez par chartres & favorables enqueſtes procurez a grant anientiſſement du poeple accordez eſt & aſſentuz qen cheſcune commiſſion de la pees parmy le Roialme ou y boſoignera ſoient aſſignez deux hommes de ley de meſme le counte ou tiel commiſſion ſe fra daler & proceder a deliverance des tielx larons & felons tant & ſi ſovent come bon lour ſemblera.

"ITEM, Foraſmuch as Thieves notoriouſly defamed, and others taken with the Maner, by their long abiding in Priſon, after that they be arreſted, be delivered by Charters, and favourable Inqueſts procured, to the great Hindrance of the People," 'it is accorded and aſſented, That in every 'Commiſſion of the Peace through the Realm, where 'Need ſhall be, two Men of Law of the ſame County 'where ſuch Commiſſion ſhall be made, ſhall be aſ'ſigned to go and proceed to the Deliverance of ſuch 'Thieves and Felons, as often as they ſhall think it 'expedient.'

4 Ed. 3. c. 2. *Enforced by* 18 H. 6. c. 11.

CAP. XI.

That Aldermen of *London* ſhall not hereafter be elected yearly, but remain until they be put out for a reaſonable Cauſe [a].

COMBIEN qe ordeine & grante fuiſt per le Roi EDWARD Beſaiel & auxint per le Roi EDWARD Aiel noſtre Seignur le Roy qoreſt qe les Aldermen de la Cite de Londres ceſſeroient & ſerroient remuez de lour dit office cheſcun an a le feſt de ſeint Gregore & qils ne ſerroient mye reeſluz lan proſchein enſuant einz qe autres ſufficeantes perſones du dite Cite ſerroient cheſcun an de novell eſluz & mys en loffices avantditz Nientmeyns noſtre dit Seignur le Roy pur certeines cauſes luy eſpecialment moevantz & meſment pur meillour governance de ſa dite Cite en temps avenir voet & ad ordeine per advys & aſſent de ſon conſeill en ceſt preſent parlement qe deſore enavant les Aldermen de la dite Cite ne ſoient ouſtez ne remuez du dit office de Aldermanrie a le dit feſt de ſeint Gregore ne null autre temps del an ſanz honeſte & reſonable cauſe ne nulles autres eſluz ne mys en lour lieux einz demoergent avant dan en an en lour dit office tanqe ils ſoientremuez pur jouſte & reſonable cauſe come deſuis nientcontreſteantz lordinances ſuſdites.

4 Inſt. 253.

CAP. XII.

An Explanation of the Statute of 28 EDW. 3. *c.* 10. That the Mayors, Aldermen, *&c.* of *London* ſhall not incur the Penalty of the ſaid Statute for erroneous Judgement given, or to be given.

Rep. 1. H. 4. c. 15.

CAP. XIII.

The People of the Ward of *Farringdon Without* ſhall elect an Alderman.

ITEM come la garde de Faryndon dedeins & dehors de la Citee de Loundres eſt taunt encreſteez des poſſeſſions & enhabitantz en icelle en poi des ans paſſez qe la governance dicell eſt trop laborouſe & grevouſe pur une perſone de le occupier & duement governer noſtre Seignur le Roy per aſſent de ſon conſeil en ceſt preſent parlement a la priere del Mair Aldermans & la Cominalte du dite Citee ad ordeinez & grantez qe perentre cy & le feſt de ſeint Gregoire proſchein avenir les gentz de la dite garde de Faryndon dedeins puiſſent eſlire un Alderman ſage ſufficeant & able pur governer meſme la garde dedeins & eſtre nome l'Alderman de la garde de Faryndon dedeins & qe perentre cy & le dit feſt de ſeint Gregoire les gentz de la garde de Faryndon dehors puiſſent eſlire un autre Alderman ſage ſufficeant & able pur governer meſme la garde dehors & eſtre nomez l'Alderman de la garde de Faryndon dehors & qe les ditz deux Aldermans iſſint eſluz puiſſent eſtre eſtabliz & nemye remoez ſi noun pur cauſe reſonable come ordeinez eſt & grantez per noſtre dit Seignur le Roi en ceſt parlement des autres Aldermans du dite Citee.

De proclamatione ſtatutorum proclamand.'

REX vicecomiti Kanc' ſalutem. Quoddam ſtatutum in ultimo parliamento noſtro apud Weſtm' tento per nos de aſſenſu Magnatum & Communitatis regni noſtri Anglie nobiſcum ibidem aſſiſtentium editum tibi mittimus in forma patenti mandantes quod ſtatutum illud & omnes & ſingulos articulos in eodem con-

[a] This and the two following Chapters are not upon the Statute Roll, but are taken from the Parliament Roll, m. 25.

Ex Rot. in Turr. Lond.

tentos in civitatibus burgis villis mercatoriis & aliis locis infra ballivam tuam ubi melius expedire videris publice proclamari & quantum ad te pertinet firmiter & inviolabiliter observari facias. T. R. apud Westm' primo die Junii.

Per ipsum Regem & Concilium.

Consimilia brevia diriguntur singulis vicecomitibus per Angliam ac Johanni Duci Aquitanie & Lancastrie vel ejus Cancellario in eodem ducatu Lancastrie sub eadem data.

Statutes made at Westminster, Anno 20 Rich. II. *and* Anno Dom. 1396.

Ex Rot. in Turr. Lond. *m.* 4.

"THE King at his Parliament holden at *Westminster* in the Feast of St. *Vincent*, the twentieth Year of his Reign, by the Assent of the Prelates, Lords, and Commons of his Realm of *England*, assembled in the same present Parliament, for the Quietness and Tranquillity of his People, hath made certain Statutes and Ordinances in the Form which followeth:

LE Roy en son parlement tenuz a Westm' en la feste de Seint Vincent lan de son Roialme vintisme del assent des Prelatz Seignurs & Communes de son Roialme en mesme le parlement pur quiete & tranquillite de son poeple ad fait certeins estatutz & ordenances qensuient.

CAP. I.

No Man shall ride or go armed. Launcegays shall be put out.

7 Ed. 1. stat. 1. 2 Ed. 3. c. 3. 7 R. 2. c. 13.

"FIRST, Whereas in a Statute made the seventh Year of the Reign of the King that now is, it is ordained and assented, That no Man shall ride armed within the Realm, against the Form of the Statute of *Northampton* thereupon made, nor with Launcegays within the same Realm; and that the said Launcegays shall be utterly put out within the said Realm, as a Thing prohibited by the King, upon Pain of Forfeiture of the same Launcegays, Armours, or any other Harness, in the Hands and Possession of them that bear them from henceforth within the same Realm against the same Statutes and Ordinances, without the King's special Licence:"

'Our Lord the King, considering the great Clamour made to him in this present Parliament, because that the said Statute is not holden, hath ordained and established in the said Parliament, That the said Statutes shall be fully holden and kept, and duly executed, and that the said Launcegays shall be clear put out upon the Pain contained in the said Statute of *Northampton*, and also to make Fine and Ransom to the King. And moreover, That no Lord, Knight, nor other, little nor great, shall go nor ride by Night nor by Day armed, nor bear Sallet nor Skull of Iron, nor of other Armour, upon the Pain aforesaid, save and except the King's Officers and Ministers in doing their Office. And moreover, the King will and hath ordained, That the Statute made the first Year of his Reign, of Liveries of Hats, shall be holden and kept upon the Pain contained in the same Statute, and upon pain to be imprisoned, and make Fine and Ransom to the King.'

3 Mod. 117.

The Statute of 1 R. 2. cap. 7. touching giving of Liveries confirmed.

PRimerement come en un estatut fait lan septisme du regne nostre Seignur le Roy soit ordeignez & assentuz qe nulle homme chivache deins le Roialme armez contre la fourme de lestatut de Norhampton sur ce fait ne oveqe lancegaye deins mesme le Roialme & qe les ditz lancegayes soient de tout oustez deins le dit Roialme come chose defendue par le Roy sur peyne de forfaiture dicelles lancegayes armures & autres hernoys quelconqes es mayns & possession dycelx qi les portera delors deinz mesme le Roialme encontre ycelles estatutz & ordenances sanz especiale congie du Roy. Nostre Seignur le Roy considerant le grant clamour a luy fait en cest present parlement de ce qe le dit estatut nest mye tenuz Si ad ordeignez & establiz en mesme le parlement qe les ditz estatutz soient pleinement tenuz & gardez & duement executz & qe les ditz lancegayes soient tout overtement oustez sur la peine contenue en le dit estatut de Norhampton & outre de faire fyn & ranceoun au Roy. Et outre ce qe null Seignur chivaler nautre petit ne grant aile ne chivache par noet ne jour armez ne porte palet ne chapell de ferre nautre armure sur la peine susdite Sauvez & exceptz les officers & ministres du Roy en faisantz leur offices. Et outre ce le Roy voet & ad ordeignez qe lestatut fait lan de son regne primere de liveree des chaperons soit tenuz & gardez sur la peine contenue en mesme lestatut & sur peine destre empriſonez & de fair fyn & ranceon au Roy.

CAP. II.

Who only may wear another's Livery.

Rep. 3 Car. 1, c. 4.

CAP.

CAP. III.

No Man shall sit upon the Bench with the Justices of Assise.

Ex Rot. in Turr. Lond.

ITEM le Roy voet & defende qe null Seignur nautre du pais petit ne grant ne soit seant en Bank oveſqe les Justices as Assises prendre en leur sessions es contees dEngleterre sur grief forfaiture vers le Roy & ad chargez ses ditz Justices qils ne soeffrent le contraire estre fait.

'ITEM, The King doth will and forbid, That no 'Lord, nor other of the Country, little nor great, 'shall sit upon the Bench with the Justices to take 'Assises, in their Sessions in the Counties of *England*, 'upon great Forfeiture to the King; and hath charged his said Justices, that they shall not suffer the 'contrary to be done.'

CAP. IV.

A Confirmation of Part of the Stat. of 28 EDW. 3. *c.* 13. touching Merchant Strangers.

ITEM qe come il soit contenuz en un estatut de sire EDWARD nadgairs Roy dEngleterre Aiel a nostre Seignur le Roy qor est lan de son regne vynt & octisme qe nulle manere de nief qe soit frette devers Engleterre ou aillours soit artez devenir a nul port dEngleterre ne y demurer contre le gree des meistres & mariners dicelle ou des marchantz as queux les biens sont & si tielx niefs viegnent de gree ou soient chacez par tempeste ou autre infortune ou meschief a ascun port dEngleterre & les meistres & mariners ou marchantz de mesmes les niefs voillent vendre & deliverer partie de leur merchandises par loure bone volunte bien lise a chescuny tieles merchandises achatre franchement sanz empeschement en le port ou tieles niefs viendront tout ne soient les merchandises mises a la terre pur vendre. Et qe les meistres mariners & marchantz apres ce qils averont issint venduz ce qe lour plerra de leur ditz biens & paie ent la custume puissent franchement departier & aler ove lour niefs & tout le remenant de lour biens par la ou lour plerra sanz custume ent paier Nostre Seignur le Roy pur la quiete & ease de son poeple voet qe le dit estatut soit tenuz & gardez en toutz pointz & duement executez nientconstresteant ascune ordeignance ou usage ou contraire.

"ITEM, Whereas it is contained in a Statute of "the late King EDWARD, Grandfather to the "King that now is, the xxviiith Year of his Reign, "That no manner of Ship, which is freighted toward *England*, or elsewhere, shall be compelled to "come to any Port of *England*, nor there to tarry "against the Agreement of the Masters and Mariners "of the same, or of the Merchants to whom the "Goods be; and if such Ships come of their own "good Will, or be driven by Tempest, Casualty, or "other Misfortune, to any Port of *England*, and the "Masters or Mariners, or Merchants of the same "Ships, will sell or deliver Part of their Merchandises "with their good Will, it shall be lawful to every "Person to buy such Merchandises freely without "Impeachment in the Port where such Ships shall "come, albeit the Merchandises be not put to Sale to "the Land. And the Masters, Mariners, and Merchants, after that they have so sold so much as "pleaseth them of their said Goods, and the Custom "thereof paid, may freely depart and go with their "Ships, and all the Remnant of their Goods, where "it shall please them, without paying thereof Custom:" 'Our said Lord the King, for the Quietness 'and Ease of his People, willeth, That the said Statute shall be holden and kept in all Points, and duly 'executed, notwithstanding any Ordinance or Usage 'to the contrary.'

CAP. V.

The Penalty of him who taketh another's Horse or Beast for the King's Service without sufficient Warrant.

28 H. 6. c. 2. *gives treble Damages.* O B. 12 Car. 2. c. 24.

CAP. VI.

Licence granted to *Belknap*, *Holte*, and *Bourghe*, to return into *England*, notwithstanding the Statute of 11 RICH. II. *c.* 1.

EXP.

Statutes made at Westminster, Anno 21 RICH. II. *and* Anno Dom. 1397.

Ex Rot. in Turr. Lond. *m.* 4.

FAIT assavoir qe nostre Seignur le Roy RICHARD par la grace de Dieu Roy dEngleterre & de France & Seignur dIrland a son parlement somons & comencez a Westm' Lundy proschein

"IT is to be understood, that our Lord the King, "by the Grace of God King of *England* and of "*France*, and Lord of *Ireland*, at his Parliament "summoned and begun at *Westminster* the *Monday* next after

The whole Parliament of 21 R. 2. is repealed by 1 H. 4. c. 3.

" after the Feaſt of the Exaltation of the holy Croſs, " and from thence adjourned to *Shrewſbury* until the " fifteenth of *Hillary* then next enſuing, and there " ended, to the Honour of God and holy Church, and " for the Preſervation, Salvation, and Surety of his " Realm, and good Governance of his People, of the " Aſſent and Accord of the Prelates, Dukes, Earls, " Barons, and Commons of his Realm there aſſem- " bled, hath made certain Statutes and Ordinances " hereafter following."

Ex Rot. in Turr. Lond.

apres le feſt del Exaltation de la Seinte croice & dilloeqes adjournez a Salopbirs a la quinzeme de Seint Hiller adonqes proſchein enſuant & illoeqes terminez al honour de Dieu & de Seinte eſgliſe & pur la ſalvation & ſuretee de ſon Roialme & bone governance de ſon liege poeple de laſſent & accord des Prelats Ducs Contes Barons & Communes de ſon Roialme illoeqes aſſemblez ad fait certeines eſtatutz & ordenances qenſuient.

CAP. I.

A Confirmation of former Liberties to the Lords Spiritual and Temporal, Cities, Boroughs, and Commonalty.

PRimerement qe Seinte eſgliſe & les Seignurs eſpirituels & temporels & auxint citees & burghs & autres comminaltees du Roialme eient & enjoient lour libertees & franchiſes ſi avant come ils avoient & enjoierent reſonablement en temps de ſes nobles progenitours Roys dEngleterre & en ſon temps.

CAP. II.

A Repeal of the Commiſſion granted by the King to certain Noblemen to enquire of certain Abuſes, and of the Statute made *Anno* 10 RICH. 2. *See Appendix.*

CAP. III.

It ſhall be adjudged High Treaſon for any Perſon to compaſs the Death of the King, to depoſe him, to make War againſt him within the Realm, &c.

Br. Treaſon, 24. 25 *Ed.* 3. *ſtat.* 5. *c.* 2.

ITEM ordeine eſt & eſtabliz qe cheſcun qe compaſſe & purpoſe la mort du Roy ou de luy depoſier ou deſuis rendre ſon homage liege ou celluy qi leve le poeple & chivache encontre le Roy a faire de guerre deinz ſon Roialme & de ceo ſoit duement atteint & adjuggez en parlement ſoit adjuggez come traitour de haute traiſon encontre la corone & forface de luy & ſes heirs queconqes touz ſez terres tenementz poſſeſſions & libertees & touz autres enheritementz queux il ad ou aſcun autre ad a ſon oeps ou avoit le jour de traiſon perpetrez ſibien en fee taille come en fee ſymple a Roy & ſes heirs ſibien tenuz dautres come de luy meſmes pur toutz jours & auxi celle poſſeſſion qe aſcun autre ad a ſon oeps. Et qe ceſt eſtatut ſe extende & tiegne lieu ſibien as ceux qe ſont adjuggez ou atteintz pur aſcun des quatre pointz des ditz traiſons en ceſt parlement come de touz ceux qi ſerront adjuggez ou atteintz en parlement en temps advenir des aſcuns des quatre pointz de traiſons ſuſditz. Et neſt pas lentention du Roy ne de les Seignurs ne aſſent des Communes avantditz qe ſi aſcun tiele qe forface en manere ſuſdite ſoit enfoeffez en aſcuny terre tenement ou poſſeſſion a autry oeps qe ceo ſoit compris en celle forfaiture.

CAP. IV.

It ſhall be likewiſe High Treaſon to attempt to repeal any Judgments made by Parliament againſt certain Traitors.

ITEM le Roy de laſſent ſuſdit ad ordeine & eſtablie qe ſi aſcun de quel eſtat ou condition qil ſoit purſue procure ou conſeille de repeller caſſer reverſer ou adnuller aſcuns des juggementz renduz devers aſcuns perſones adjuggez en le dit parlement ou aſcuns eſtatutz ou ordenances faitz en meſme le parlement ou aſcune parcelle dicelles en aſcune manere & ceo duement provee en parlement qil ſoit adjugge & eit execution come traitour au Roy & a Roialme. A queles ordenance & eſtatut bien & loialment tenir & garder les Seignurs de Roialme ſibien eſpirituels come temporels ſount jurrez & ſermentz devant le Roy come piert le rolle du parlement.

CAP. V.

The Oaths and Fealty of Great Men ſhall be inrolled in Parliament.

ITEM outre ceo le Roy par la greindre ſeuretee en temps advenir ad ordeine & eſtabliz qe ſe ſerement de les ditz Seignurs ſoit mys de recorde en rolle de parlement & qil ſoit enrollez en la Chancellerie ſi qe les ſucceſſours de touz les ditz Prelatz ſur la faiſance de leur foialtee pur leur temporaltees avant qils eient livere dicelles hors de la Chancellarie facent meſme le ſerement en tout temps avenir. Et enſement qe touz les heirs des ditz Seignurs temporels en tout temps avenir al faiſance de leur homage ou foialtee avaunt qils eient livere de leur terres hors de la Chancellerie facent autiel ſerement.

CAP.

CAP. VI.

In Turr. Lond.

The Sons of Perſons before attainted excluded from Parliament, *&c.*

CAP. VII.

A Repeal of the Annuities, Corrodies, *&c.* granted by thoſe Traitors.

CAP. VIII.

The King ſhall have the Collation to all Benefices ſo forfeited.

CAP. IX.

The County of *Cheſter* made a Principality, and ſeveral Caſtles and Towns annexed to the ſame.

ITEM noſtre Seignur le Roy pur la grant chiertee & affection qil ad a le contee de Ceſtre & a les gentz dicell & pur tant qe le Roy meſmes devant qil priſt la haute dignitee du Roy & ſon honourable pier devant luy & autres ſes nobles progenitours ont eſte Contes du dit countee de Ceſtre & pur le greindre honour de ſon eiſne filz ſi Dieu le doigne & des autres ſes heirs qaveront meſme le Seignurie en apres del aſſent & accorde de touz les Seignurs eſpirituels & temporels a la priere des ditz Communes ad ordeignez grantez & eſtabliz pur luy & ſes heirs qe le dit contee de Ceſtre ſoit principaltee de Ceſtre & deſore enavant nomez & tenuz la principaltee de Ceſtre oveſqe toutz les libertees & franchiſes ent euez & uſez & en meſme le manere come il ad eſte pardevant qant il eſtoit nomez contee de Ceſtre a touz jours. Et outre ceo noſtre Seignur le Roy de ſa certeine ſcience & de laſſent & accord avantditz & pur lencreſce & honour de leſtat des Princes qe ſerrount illoeqes & pur eaſe concord & tranquillite de ſes lieges du dit principaltee & les contees de Flynt & Salop & des Seignuries qi ſant adgiſantz a ycelles ad grantez ordeinez eſt eſtabliz qe le chaſtell Lyons ove la Seignurie de Bromfeld & Yale a dit chaſtel regardantz le chaſtell de Chirk ove la Seignurie de Chirkeſlonde a dit chaſtel regardantz le chaſtel de Oſwaldeſtre ove la ville bien murre de pere & le hundrede & unſze villes a dit chaſtel regardantz le chaſtel Iſabelle ove la Seignurie & ycelle regardant & le chaſtel de Dalyley ove les appurtenances en le dit contee de Salop & la reverſion de la Seignurie de Clone ove toutz lour appurtenances quele Edward Conte de Roteland tient a terme de ſa vie touz les queux chaſtelx Seignuries & villes ſuſditz feurent a Richard nadgairs Conte dArundell & les queux par force de juggement renduz devers le dit Conte en le dit parlement ſont a noſtre Seignur le Roy forfaitz ſoient deſore enavant annexez uniez & encorporez a la dite principalte de Ceſtre & demoergent en remaygnent entierment a meſme la principaltee come parcelle & membre dicelle a touz jours ſanz eſtre donez venduz alienez diſſeverez ou departiz de le dite principaltee a nully par aſcune voie en temps advenir. Et qe null doun ne grante en temps advenir ne ſerra faite del dite principaltee ne de les chaſtelx Seignuries & villes ſuſdites a nulluy fors ſoulement al eiſne fitz du Roi qi ſerra Prince illoeqes ſy plerra au Roi affaire. Et qe celluy eiſne fitz qe avera la dite principaltee avera enſement toutz les ditz chaſtelx Seignuries & villes come uniz & annexez a meſme la principaltee ſanz eſtre diſſeverez ou departiz dicelle en aſcun temps advenir. Iſſint qe les reſceauntz terretenantz & touz les enheritantz deinz les ditz chaſtelx Seignuries & villes eient uſent & enjoient toutz leur aunciens loies droitures & cuſtumes illoeqes dauncien temps reſonablement euez & uſez Savez & reſervez au Roy ſa regalie libertee & franchiſe & les droitz de ſa corone. Purveu auxi toutfoitz qe la dite principaltee & les Seignuries ſuſditz eient & enjoient meſmes les loies libertees & cuſtumez uſagez droitz & franchiſes auncienement en ycelles reſonablement euez & uſez auxi pleinement & entierment come eſtoit eue & uſe devant le comencement de meſme le parlement le noun de Contee de Ceſtre changez en noun de Principaltee de Ceſtre & lannexion & union des ditz chaſtelx Seignuries & villes a ycelle nientcontreeſteantz.

CAP. X.

The Caſtles and Revenues of the late Earl of *Warwick* ſhall remain in the King's Hands.

CAP. XI.

And likewiſe thoſe belonging to the Duke of *Glouceſter*.

CAP. XII.

The Reſolution of certain Judges and others concerning ſome Queſtions about Treaſon and other Offences

ITEM les Seignurs qi feurent appellantz en le dit parlement ceſtaſſavoir Edward Duc dAumarle Thomas Duc de Surr' Johan Duc dExceſtre Johan Markys de Dorſet Johan Cont de Sarum Thomas Cont de Glouceſtre & William Conte de Wiltes prierent au Roy recitantz & monſtrantz coment certeins Seignurs qi ſont convictz & atteintz ceſtaſſavoir le Duc de Glouceſtre les Contes dArundell & Warr' aſſemblez a Hà- Rep. 1 H. 4. c. 3.

Ex Rot. in Turr. Lond.

25 *Ed.* 3. *ſtat.* 5. *c.* 2. ryngey forciblement & en grant nombre a fere de guerre firent barrers entre le Roy & eux qe les lieges du Roy ne purroient approcher au Roy en ſocour de luy & enſy vindrent en tiel forcible manere a ſon palois de Weſtm' arraiez de guerre ſi qe le Roy ne les purroit alors reſiſter ſanz treſgrant peril de ſon corps & deſtruction de ſon poeple Mais enſi par cohercion & compulſion les ditz Duc & Contes firent le Roy ſummoner un parlement a Weſtm' lendemayn de la Purification de noſtre Dame lan de ſon regne unziſme quele parlement iſſint comencez les ditz Duc & Contes en tiel forcible manere firent continuer a la fyn & en ycell donerent pluſours diverſes juggementz ſibien de mort de hommes come autrement ſur diverſes lieges du Roy & donerent juggementz de forfaiture de terres & tenementz biens & chateux dont ils ſont convictz de haut treſon & auxi pur certeins queſtions qe feurent demandez par le Roy touchantz ſon eſtat & regalie de certeins ſes Juſtices adonqes a Notyngham meſme lan & pur leur reſpons dicelles donez a Roy ſur meſmes les queſtions meſmes les Juſtices feurent forjuggez de leur vies & juggement renduz devers eux de forfaiture de lour terres tenementz biens & chateux & les ditz Duc & Contes firent diverſes eſtatutz & ordenances en le dit parlement a lour volentee. Sur quoy les ditz appellantz conſiderantz les ſomons du dit parlement eſtre fait expreſſement encontre la droit de la corone du Roy & la libertee & franchiſe de ſa perſone & roial eſtat leur veullantz acquiter au Roy come ſes loialx liges luy priererent qe le dit parlement ſoit adnullez & tenuz pur nul tout outrement & qe toutz les juggementz ordenances & eſtatutz faitz & renduz en le dit parlement & touz les dependances dicelles ſoient adnullez revokez repellez & tenuz pur nul come choſe fait ſanz auctoritee & encontre la volentee & libertee du Roy & la droit de ſa corone & qe les terres & tenementz fees avoeſons & autres poſſeſſions queconqes ſeiſez par colour des ditz juggementz ſoient reſtitutz & liverez as ceux qi feurent enſi ajuggez & a leur heirs. Et auſſi les ditz communes prierent au Roi come les ditz appellantz avoient priez & diſoient qe leur entent feuſt davoir priez ſemblablement. Et ſur ceo les Seignurs eſpirituеles & temporeles & les procureurs de la clergie ſeveralment examinez aſſenterent expreſſement qe le dit parlement & touz les eſtatutz juggementz ordinances & touz autres choſes ent faitz & ſubſecutz ſoient caſſez & adnullez & de null force & value & reſtitution faite come deſuis eſt dit. Et auxi ſibien les Seignurs eſpirituels & temporels & les procureurs de la clergie come les ditz communes feurent ſeveralment examinez de les ditz queſtions & de les reſponſes des Juſtices ſuiſdites le tenour de queles ſenſuit.

'MEmorandum quod viceſimo quinto die menſis Auguſti anno regni Regis RICARDI ſecundi undecimo 'apud Caſtrum Notyngh' coram dicto domino Rege Robertus Treſilian Capitalis Juſtitiarius & Ro- 'bertus Bealknap Capitalis Juſtitiarius de communi Banco domini noſtri Regis predicti & Johannes Holt 'Rogerus Fulthorp & Willelmus Burgh milites ſocii predicti Roberti Bealknap ac Johannes Loketon ſer- 'viens dicti domini Regis ad legem in preſentia dominorum & aliorum teſtium ſubſcriptorum perſonaliter 'exiſtentes per dictum dominum noſtrum Regem requiſiti in fide & ligeantia quibus eidem domino noſtro 'Regi firmiter ſunt aſtricti quod ad certas queſtiones inferius deſignatas & coram eis recitatas fideliter re- 'ſponderent & ſuper eis ſecundum diſcretionem ſuam legem dicerent.

'Inprimis querebatur ab eis an illa nova ſtatutum & ordinatio atque commiſſio facta & edita in ultimo 'parliamento apud Weſtm' celebrato derogant regalie & prerogative dicti domini noſtri regis? Ad quam 'quidem queſtionem unanimiter reſponderunt Quod derogant preſertim eo quod fuerant contra voluntatem 'Regis.

'Item querebatur ab eis Qualiter ipſi qui ſtatutum ordinationem & commiſſionem predicta fieri procura- 'runt ſunt puniendi? Ad iſtam queſtionem unanimiter reſponderunt Quod pena capitali ſcilicet mortis pu- 'niri merentur niſi Rex in ea parte voluerit eis gratiam indulgere.

'Item querebatur ab eis Qualiter ſunt illi puniendi qui regem predictum excitarunt ad conſentiendum ſta- 'tuti ordinationis & commiſſionis hujuſmodi factioni? Ad quam quidem queſtionem unanimiter reſponde- 'runt quod niſi Rex eis gratiam fecerit ſunt pena capitali merito puniendi.

'Item querebatur ab eis qualem penam merentur illi qui compulerunt ſive artarunt regem ad conſenti- 'endum confectioni dictorum ſtatuti ordinationis & commiſſionis? Ad quam quidem queſtionem unanimi- 'ter reſponderunt Quod ſunt ut proditores merito puniendi.

'Item querebatur ab eis Quomodo ſunt illi etiam puniendi qui impediverunt Regem quominus poterat 'exercere que ad regaliam & prerogativam ſuam pertinuerunt? Ad eſtiam queſtionem unanimiter reſpon- 'derunt Quod ſunt ut proditores etiam puniendi.

'Item queſitum erat ab eis An poſtquam in parliamento congregato negotia regni & cauſa congregationis 'parliamenti de mandato regis fuerint expoſita & declarata & certi articuli limitati per regem ſuper quibus 'domini & communes regni in eodem parliamento procedere debeant ſi domini & communes ſuper 'aliis articulis velint omnino procedere & nullatenus ſuper articulis limitatis per regem donec ſuper arti- 'culis per eoſdem expreſſatis fuerit per ipſum regem primo reſponſum non obſtante quod fuerit eis injun- 'ctum per regem in contrarium Nunquid Rex debeat habere in ea parte regimen parliamenti & de facto 'regere ad effectum quod ſuper limitatis articulis per regem primo debeant procedere vel an domini & com- 'munes primo debeant habere reſponſum a rege ſuper articulis per eoſdem expreſſis antequam ulterius pro- 'cedatur? Ad quam quidem queſtionem unanimiter reſponderunt quod Rex in ea parte haberet regimen

'& ſic

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' & sic seriatim in omnibus aliis articulis tangentibus parliamentum usque ad finem ejusdem parliamenti & ' si quis contra hujusmodi regimen Regis fecerit tanquam proditor en puniendus.

' Item querebatur ab eis nunquid Rex quandocunque sibi placuerit poterit dissolvere parliamentum & ' suis dominis & communibus precipere quod ab inde recedant an non? Ad quam quidem questionem una- ' nimiter responderunt Quod potest. Et si quis extunc contra voluntatem Regis procedat ut in parliamento ' tanquam proditor puniendus existit.

' Item quesitum erat ab eis Ex quo Rex potest quandocunqe sibi placuerit removere quoscumque Officia- ' rios & Justitiarios suos & ipsos pro delictis eorum justificare & punire Nunquid domini & communes ' possint absque voluntate Regis Officiarios & Justitiarios ipsos impetere super delictis eorem in parliamento ' an non? Ad istam questionem unanimiter responderunt Quod non possunt Et si quis in contrarium fecerit ' est ut proditor puniendus.

' Item querebatur ab eis qualiter est ille puniendus qui movebat in parliamento quod mitteretur pro statuto ' per quod Rex EDWARDUS filius EDWARDI Regis Proavus Regis nunc erat alias adjudicatus in parlia- ' mento per cujus statuti inspectionem nova statutum & ordinatio ac commissio supradicta fuerunt in parlia- ' mento concepta? Ad quam quidem questionem unanimiter responderunt quod tam ille qui sic movebat ' quam alius qui pretextu hujusmodi motionis statutum illud portavit ad parliamentum sunt ut proditores & ' criminosi merito puniendi.

' Item quesitum erat ab eis an judicium in ultimo parliamento apud Westm' celebrato redditum contra ' Comitem Suff' fuit erroneum & revocabile an non? Ad quam quidem questionem unanimiter responderunt ' quod si illud judicium esset modo reddendum illi justitiarii & serveins predicti illud reddere nollent quia ' videtur eis quod judicium illud revocabile est tanquam erroneum in omni sui parte.

' In quorum omnium testimonium Justitiarii & serviens predicti sigilla sua presentibus apposuerunt. Hiis ' testibus Reverendis Patribus Dominis Alexandro Archiepiscopo Eborum Roberto Archiepiscopo Dublin' ' Johanne Episcopo Dunolm' Thoma Cicestrensi Episcopo Johanne Bangorensi Episcopo Roberto Duce ' Hibernie & Michaele Comite Suffol' & Johanne Rypon clerico ac Johanne Blake scutifero. Dat' loco ' die mense & anno predictis.'

Queles questions & les responses dicelles sibien devant le Roy & Seignurs come devant les communes feu- rent luz & entenduz & demandee fuist de toutz lestatz du parlement coment y leur sembloit de les responses suisdites & ils disoient qe leur sembloit qe les ditz Justices firent & donerent leur responses duement & loial- ment come bones & loialx liges du Roy deveroient faire. Et en mesme la manere monsieur Thomas de Skelton apris de la leie & William Hankeford & William Brencheſle serjeantz du Roy demandez par le Roy de leur advys en celle partie disoient qe les respouses feurent bones & loialx & qils vorroient avoir donez mesmes les responses si les ditz questions eussent este demandez de eux. Et monsieur William Thirnyng chief Justice du commune Bank du Roy dist qe declaration de treson nient declarez appartient a parlement mes sil feusse Seignur ou pier de parlement sil eust este demandez il voudroit avoir dit en mesme le manere. Et ensi & en mesme la manere dist monsieur William Rikhull Justice du commune Bank Et apres la venue de monsieur Wauter Clopton chief Justice il dist en mesme le manere par ont les dites responses sont adjuggez & affermez pur bones & sufficeantz en le dit parlement. Sur quoy par le Roy de lassent des Seignurs espirituels & temporels & les procureurs de la Clergie & de les ditz Communes & par advys de les Justices & sergeantz suisdites illoeqes esteantz agardez fuist & ajuggez ordeignez & establiz qe le dit parlement tenuz le dit an un- zisme soit toutoutrement adnulle & tenuz pur nul come chose faite sanz auctorite & encontre la volentee & libertee du Roy & le droit de sa corone Et qe toutz les juggementz estatutz & ordenaunces faitz en ycell ove touz les dependantz dicelles soient revokez adnullez reversez & toutoutrement repellez & tenuz pur null & qe touz les terres & tenementz fees & avoesons & autres possessions queconqes seisiz come forfaitz par colour des ditz juggementz soient restitutz & liverez as ceux qi feurent juggez ou oustez & a lour heirs & a ceux qi ont en autre manere action ou title de droit en celle partie ovek touz maneres libertees fraun- chises & privileges aussi avant & entierment come ils avoient en ascun temps pardevant saunz ascuns issues ou profitz avoir dicelles en le mesne temps ou restitution des biens & chateux. Mais nostre Seignur le Roy par advys des ditz Seignurs & communes considerantz coment le Roy pur recoverir & relevation de ses ditz liges qi feurent issint ajuggez ou oustez & pur leur faire avoir restitution de leur estatz & terres & te- nementz fees & avoesons & autres possessions suisditz ad euz & supportez grauntes & excessives coustages & despenses y semble au Roy & a touz les Seignurs qe touchant la dite restitution il serroit competent satis- faction as ditz forsjuggez & oustez & a leur heirs pur avoir restitution de leur terres & tenementz tant- soulement sanz restitution de leur biens & chateux ou de les issues & profitz de les ditz terres & tenementz prises en le mesne temps. Et outre qant a ceux qi ont achatez & purchacez du Roy plusours des terres & tenementz suisditz cestassavoir ascuns en demaygne ascuns en reversion pur certeins sommes paiez au Roy le Roy ad chargez son conseil denquere par lour advys de la value des ditz terres & tenementz ensi venduz & combien les achatours ent ont pris en le mesne temps & sur ceo treiter & faire ovek eux tiel fyn come bone foy & conscience demandent. Et sur ceo ordenez est & establiz qe touz ceux qi voillent pursuer pur la restitution suisdite ou par lour recoverer en celle partie eient briefs de Scire facias retournables en la

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Chauncellerie tantz & tieux come leur ſemblera buſoignables ou preignent autre action al commune ley ſils vorront & qils purront ſuier devers eux qi ſont tenantz de frank tenement le Lundy proſchein apres la dite quinzeine de Seint Hiller & qe leur recoverer ſoit bone & effectuel devers eux nientcontreſteantz aſcuns alienations ou dimiſes faitz puits le dit Lundy ou devers autres tenantz a leur election & qe nul protection ſoit allowe en celle cas ne nul delay par nounage ne reſceite ne eide priere forſqe par eide priere du Roy & qe le gardein du prive ſeal face ent lettres de procedendo ſanz purſuir ou parler au Roy ou autre delay ſanz waſt ou deſtruction faire en le meſne tempe.

CAP. XIII.

A Reverſal of the Sentence againſt *Michael de la Pole*, late Earl of *Suffolk*.

CAP. XIV.

The King's Pardon of Robberies, Thefts, Outrages, and Riots committed in the Time of the Commotion.

CAP. XV.

The King's Pardon to all his Subjects of Alienations without Licence, Intruſions by the Heirs after the Death of their Anceſtors, Treaſons, Felonies, &c.

CAP. XVI.

Authority given by Parliament to certain Commiſſioners to examine and anſwer Petitions exhibited to the King.

CAP. XVII.

There ſhall be no Licences granted to ſhip Merchandiſes of the Staple to any other Place but to *Calais*.

CAP. XVIII.

10 H. 6. c. 5. Stones ſhall be carried for Laſtage towards the Repair of the Beacons, the Place called *Paradiſe*, and other decayed Places in *Calais*.

CAP. XIX.

A Rehearſal and Confirmation of the Statutes of 25 EDW. 3. *cap.* 4. and 45 EDW. 3. *cap.* 2. touching the pulling down of Wears, Mills, Stakes, *&c.*

CAP. XX.

Whoſoever ſhall purſue to repeal any of theſe Statutes, and that proved in Parliament, ſhall be adjudged a Traitor.

Anno primo HENRICI IV.

Statutes made at Weſtminſter *in the Firſt Year of the Reign of King* HENRY *the Fourth, and in the Year of our Lord* 1399.

Ex Rot. in Turr. Lond. *m.* 20.

HENRY par la grace de Dieu Roy dEngleterre & de Fraunce & Seignur dIrland al honour de Dieu & reverence du ſeinte eſgliſe pur nurrir unitee pees & concorde des toutz partz deinz le Roialme dEngleterre & pur relevation & recoverer de meſme le Roialme qore tard ad eſte meſchiefouſement mys a treſgraunde ruyne meſchief & deſolation del aſſent des Prelates Ducs Contz & Barons & al inſtance & eſpeciale requeſt des communes de meſme ceſt Roialme aſſemblez a ſon parlement tenuz a Weſtm' en le feſt de ſeinte Feie la virgine lan de ſon regne primer ad fait ordiner & eſtablire certains ordinaunces & eſtatutz en la forme qenſuit.

"HENRY by the Grace of God, King of *England*, and of *France*, and Lord of *Ireland*, to the Laud and Honour of God, and Reverence of holy Church, for to nouriſh Unity, Peace, and Concord of all Parties within the Realm of *England*, and for the Redreſs and Recovery of the ſame Realm, which now of late hath been dangerouſly put to great Ruin, Miſchief, and Deſolation; of the Aſſent of the Prelates, Dukes, Earls, Barons, and at the Inſtance and Special Requeſt of the Commons of the ſame Realm, aſſembled at his Parliament holden at *Weſtminſter* in the Feaſt of St. *Faith* the Virgin, the firſt Year of his Reign, hath made, ordained, and eſtabliſhed certain Ordinances and Statutes in Form as hereafter followeth."

CAP. I.

A Confirmation of the Liberties of the Church, and of all Statutes not repealed. Juſtice ſhall be done, and Peace kept.

PRimerement qe ſeint eſgliſe eit & enioiez toutes ſes droitures libertees & franchiſes entierment & ſaunz emblemiſſement & qe la Graunde Chartre & la Chartre de la Foreſt & toutz les autres bones ordinances & eſtatutz faitz en temps de ſes nobles progenitours & nient repellez ſoient fermement tenuz & gardez en toutz pointz & qe le paix deinz ſon Roialme ſoit tenuz & gardez iſſint qe toutz ſes loialx lieges & ſubgitz purront deſore ſaufment & paiſiblement aler venir & demorer ſelonc les loies & uſages de meſme le Roialme & qe bone juſtice & oell droit ſoit fait a cheſcuny.

'FIRST, That holy Church have and enjoy all her Rights, Liberties, and Franchiſes, entirely and without imblemiſhing. And that the great Charter, and the Charter of the Foreſt, and other good Ordinances and Statutes made in the Time of his noble Progenitors, and not repealed, be firmly holden and kept in all Points; and that the Peace within this Realm be holden and kept, ſo that all his lawful liege People and Subjects may from henceforth ſafely and peacefully go, come, and dwell, according to the Laws and Uſages of the ſame Realm; and that good Juſtice and even Right be done to every Perſon.' *Confirmed by* 2 H. 4. c. 1. 7 H. 4. c. 1.

CAP. II.

None ſhall be impeached that did aſſiſt King HEN. 4. or helped to purſue King RICH. 2. or his Adherents. EXP.

CAP. III.

A Repeal of the whole Parliament holden *Anno* 21 RICH. 2. and of the Authority given thereby. EXP.

CAP. IV.

A Confirmation of the Parliament holden 11 RICH. 2.

ITEM accordez eſt aſſentuz & eſtabliz qe le parlement tenuz a Weſtm' lan unziſme le dit nadgairs Roi RICHARD ſoit fermement tenuz & gardez ſelonc le purport & effect dicelle come choſe fait pur treſgrand honure & commune profit de tout le Roialme.

'ITEM, It is accorded, aſſented, and eſtabliſhed, That the Parliament holden at *Weſtminſter*, the Eleventh Year of the ſaid late King RICHARD, be firmly holden and kept according to the Purport of the ſame, as a Thing made for the great Honour and common Profit of this Realm.'

CAP. V.

A Reſtitution of thoſe, or their Heirs, which were attainted at the Parliament holden 21 RICH. 2.

CAP. VI.

In a Petition to the King, of Lands, Offices, &c. the Value ſhall be contained.

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'ITEM, To the Intent that our ſaid Lord the King in Time to come ſhall not be deceived in his Grants or Gifts annual, or in Fee, or in any Offices by him to be given, made, or granted, he will, by the Aſſent of the Lords Spiritual and Temporal aforeſaid, and at the Requeſt of the ſaid Commons, be counſelled by the wiſe Men of his Council in Things touching the Eſtate of him and of his Realm, ſaving always his Liberty. Alſo he hath ordained and ſtabliſhed by the Aſſent aforeſaid, That all they which from henceforth do demand of the King, Lands, Tenements, Rents, Offices, Annuities, or any other Profits, ſhall make expreſs Mention in their Petitions of the Value of the Thing ſo to be demanded, and alſo of that which they have had of the King's Gift, or of other his Progenitors or Predeceſſors before. And in caſe they make not ſuch Mention in their ſaid Petitions, and that duly proved, the King's Letters Patents thereof made ſhall not be available, nor of any Force nor Effect, but wholly revoked, repealed, and adnulled for ever; to the Puniſhment of them which ſo have done Deceit to the King, as they that be not worthy to enjoy the Effect and Benefit of the Letters Patents to them granted in this Behalf.'

3 Co. 31.
32 H. 6. f. 21.
Co. Lit. 133. a.
Expounded by 2 H. 4 c. 2.
Reſtrained by 6 H. 4. c. 2.

ITEM au fyn qe noſtre dit Seignur le Roi en temps avenir ne ſoit deceuz en ſes grauntes ou douns annuels ou en fee ou en acunes offices par lui a doners fairs ou graunters il voet de laſſent des Seignurs eſpirituelx & temporelx ſuſditz & a la requeſt des ditz communes eſtre conſeillez par les ſages de ſon conſeil es choſes touchantz leſtat de lui & de ſon Roialme ſauvant toutefoitz ſa libertee. Et voet & ad ordeinez & eſtabliez de laſſent ſuſdit qe toutz ceux qi deſore enavant demanderont du Roi terres tenementz rentes offices annuitees ou autres profitz qeconqes facent expreſſe mention en lour petitions de la value de la choſe enſi a demander & auxi de ce qils ont eue du doun de Roi ou des autres ſes progenitours ou predeceſſours pardevant. Et en cas qils ne facent tiel mention en lour ditz petitions & ce duement prove ſoient les lettres patentes du Roi ent faites nient vaillables ne de null force neffect Mais de tout revokez repellez & adnullez pur touz jours au puniſſement de ceux qenſi ont fait tiel deceit au Roi come ceux qi ne ſont pas dignes denjoier leffect & benefice des lettres patentes a eux grauntez en celle partie.

CAP. VII.

Confirmed by 7 H. 4. c. 14. Repealed by 3 Car. 1. c. 4.

The Penalty for unlawful giving or wearing of Liveries. Who may wear the King's Liveries, and in what Places. To what Perſons only Liveries may be given.

CAP. VIII.

Aſſiſe maintainable by the Diſſeiſee againſt the King's Patentee of Lands.

"ITEM, At the grievous Complaint of the ſaid Commons, made in the ſaid Parliament, how many of the King's liege People, which have been ſeiſed and poſſeſſed of Lands and Tenements, by their Right and Title, until the laſt coming of our Lord the King into *England*, that upon Suggeſtion made to him, the ſaid Lands and Tenements have been granted to divers Perſons, and Letters Patents thereof made, ſo that by Colour of ſuch Grants and Letters Patents, the Tenants and true Owners of the ſaid Tenements in divers Counties be diſſeiſed and put out of the ſame, to their great Damage, and againſt the Courſe of the Common Law:" 'Our Lord the King conſidering the Miſchiefs aforeſaid, and willing thereupon to provide due Remedy, by the Advice and Aſſent of the Lords and Commons aforeſaid, hath ordained and eſtabliſhed, That in caſe any Lands or Tenements be granted by the King's Patent, without Title found by Inqueſt or otherwiſe, where the King's Entry is not given by Law, they that be put out or diſſeiſed of their Freehold, ſhall have a ſpecial Aſſiſe of the Chancellor's Grant, without other Suit to be made to the King in that Behalf: And if the Parties or Perſons having the King's Letters Patents do pray in Aid, a Writ of *Procedendo* ſhall be granted by the ſaid Chancellor, without making other Suit to the King;

Fitz. Aſſiſe, 364, 467.

ITEM a la grevouſe compleint des ditz communes fait en dit parlement coment pluſours des lieges noſtre dit Seignur le Roy qont eſte ſeiſiz & poſſeſſionez des terres & tenementz par lour droit & title tanqal darreine venue noſtre dit Seignur le Roi en Engleterre qe par Suggeſtion a lui fait les dit terres & tenementz ont eite grauntez as diverſes perſones & lettres patentes ent faitz iſſint qe par colour des tielx grauntes & lettres patentz les tenantz & verroies poſſeſſours des ditz tenementz es pluſours contes ſont deſeiſez & ouſtez dicelles a lour grand damage & encontre le cours de la commune ley noſtre dit Seignur le Roy conſideraunt le meſchief ſuſdit & veulant ſur ce ordeiner due remede de ladvys & aſſent des Seignurs & communes ſuiſditz ad ordeinz & eſtabliz qe la ou terres ou tenementz ſont grauntez par patent du Roi ſanz title trove par enqueſt ou autre vie & la ou lentree du Roi neſt pas done par la ley aient ceux qi ſont ouſtez ou diſeiſez de lour franc tenement eſpeciale aſſiſe du graunt du Chaunceller ſaunz autre purſuite faire au Roi celle partie & ſi les perſones eiantz les patentes du Roi prient en eide ſoit graunte brief de procedendo par le dit Chaunceller ſaunz autre purſuit faire au Roi & en cas qe les ditz ouſtez ou diſſeiſez recoverent devers les perſones

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ſones eiantz tielx patents qe meſmes les ouſtez ou diſſeiſez recoverent lour damage a treble. Et qe ceſt ordinance & eſtatut tiegne lieu ſibien puis larivall du Roi en Engleterre come en temps avenir.

'and in caſe that they which be put out, or diſſeiſed, 'do recover againſt the Perſons having ſuch Patents, 'they which be ſo put out or diſſeiſed ſhall recover 'their treble Damages; and that this Ordinance 'and Statute hold Place as well after the King's Ar-'rival into *England*, as in all Time to come.'

CAP. IX.

A Confirmation to the Purchaſers of Lands ſold, which were forfeited to the King.

EXP. 11 R. 2. c. 6.

CAP. X.

Nothing ſhall be accounted Treaſon but what was made Treaſon in the Time of King *Edward* the Third.

ITEM come en le dit parlement tenuz le dit an vingt primer le dit nadgairs Roi RICHARD pluſours peines de traiſon feurent ordeinez par eſtatut parenſi qe y navoit aucun homme qa poie ſavoit coment il ſe deuſt avoir de faire parler ou dire par doubte des tielx peines accordez eſt & aſſentuz par le Roi & les Seignurs & communes ſuiſditz qen null temps avenir aucune traiſon ſoit adjugge autrement qe ne feut ordinez par eſtatut en temps de ſon noble aiel le Roi EDWARD tiers qi Dieu aſſoille.

"ITEM, Whereas in the ſaid Parliament holden "the ſaid one and twentieth Year of the ſaid late "King RICHARD, divers Pains of Treaſon were or-"dained by Statute, in as much that there was no "Man which did know how he ought to behave "himſelf, to do, ſpeak, or ſay, for Doubt of ſuch "Pains;" 'It is accorded and aſſented by the King, 'the Lords and Commons aforeſaid, That in no 'Time to come any Treaſon be judged otherwiſe, 'than it was ordained by the Statute in the Time of 'his noble Grandfather King EDWARD the Third, 'whom God aſſoil.'

25 Ed. 3. ſtat. 5. c. 2. 34 *Ed.* 3. *c.* 12. 21 *R.* 2. *c.* 3, 4 & 12. 2 *H.* 6. *c.* 17.

See farther Index, tit. Treaſon.

CAP. XI.

How far Sheriffs ſhall be charged with the antient Ferms of the County.

ITEM come les ditz communes par lour petition ont monſtrez en meſme cest parlement coment les viſcontz des countes deinz le Roialme ſont chargez ove launcien ferme des meſmes les contees la ou gráunde parcelle des profitz dicelles ſont donez diverſement as Seignurs & autres lieges du Roi iſſint qe meſmes les viſcontz ne purront paier lour ferme ſaunz extorſion faire es ditz contees en graunt oppreſſion & areriſſement ſibien des ditz viſcontz come de les enhabitantz es meſmes les contees noſtre Seignur le Roi conſiderant les meſchiefs ſuiſditz de ladvis & aſſent des Seignurs & communes ſuiſditz ad ordeinez & eſtabliz qe deſore en avant les viſcontz des countees dEſſex & Hertford' en eſpeciale & les viſcontz des autres contees ſuiſditz pur le temps eſteantz accomptent a leſcheqer & aient allouance par lour ſerement de les iſſues des ditz contees ſibien puis la date de lour patentes a eux faitz par le dit nadgairs Roi RICHARD come pur tout temps avenir. Et ſi aucun viſcont deſore enavant face aucun extorſion a poeple & de ce ſoit atteint qil ſoit duement punis pur meſme lextorſion a la volunte du Roi.

"ITEM, Whereas the ſaid Commons by their Peti-"tion have ſhewed in the ſame Parliament, how "the Sheriffs of Counties within the Realm be char-"ged with the antient Ferm of the ſame Counties, "whereas a great Parcel of the Profits of the ſame is "given ſeverally to Lords and other the King's liege "People, ſo that the ſame Sheriffs cannot pay their "Ferm without doing Extortion in the ſaid Counties "in great Oppreſſion and Hindrance, as well of the "ſaid Sheriffs, as of the Inhabitants of the ſaid Coun-"ties:" 'Our Lord the King conſidering the Miſ-'chiefs aforeſaid, by the Advice and Aſſent of the 'Lords and Commons aforeſaid, hath ordained and 'eſtabliſhed, That from henceforth the Sheriffs of the 'County of *Eſſex* and *Hertford* in ſpecial, and the 'Sheriffs of other Counties aforeſaid, for the Time 'being, ſhall accompt in the *Exchequer*, and have 'Allowance by their Oath of the Iſſues of the ſaid 'Counties, as well after the Dates of their Patents 'made to them by the ſaid late King RICHARD, as 'for all Times to come. And if any Sheriff from 'henceforth do any Extortion to the People, and be 'thereof attainted, he ſhall be duly puniſhed for the 'ſame Extortion at the King's Will.'

The Puniſhment of a Sheriff for Extortion.

CAP. XII.

A Confirmation of former Statutes touching pulling down of Wears.

ITEM come Seignur EDWARD nadgairs Roi dEngleterre aiel noſtre Seignur le Roi qoreſt lan de ſon regne vingt & quint pur ce qe communes paſſages des nieſs & bateux en les graunds rivers

"ITEM, Whereas by EDWARD, late King of "*England*, Grandfather of our Lord the King that "now is, the five and twentieth Year of his Reign, "becauſe that the common Paſſage of Ships and Boats

13 Co. 36. 25 Ed. 3. ſtat. 5. c. 4.

" in the great Rivers of *England* were oftentimes di-
" ſturbed by the levying of Wears, Mills, Stanks,
" Stakes, and Kidels, in great Damage of the Peo-
" ple, it was accorded, That all ſuch Wears, Mills,
" Stanks, Stakes, and Kidels, which were levied and
" ſet up in the Time of King EDWARD, Son to King
" HENRY, and after in ſuch Rivers, whereby the Ships
" and Boats be diſturbed, ſo that they cannot paſs as
" they were wont, ſhall be wholly pulled down, and
" not be levied again; and that Writs be there-
" upon ſent to the Sheriffs of Places where Need ſhall
" be, to ſurvey and inquire, and to make thereof
" Execution; and alſo that Juſtices be thereupon
" aſſigned at all Times when Need ſhall require.
" And after at the grievous Complaint of the great
" Men and the Commons, made in the Parliament of
" the ſaid King EDWARD the Grandfather, the five
" and fortieth Year of his Reign, complaining by
" their Petition, that the ſaid Statute was not duly
" executed nor kept after the Effect of the ſame, it
" was accorded and ſtabliſhed, That the ſaid Statute
" in this Point be holden and kept after the Effect of
" the ſame; added to the ſame, That if any ſuch
45 Ed. 3. c. 2. " Noiſance be pulled down by due Proceſs contained
" in the ſaid Statute, he that will cauſe the ſaid Noi-
" ſance to be repaired, and thereof be duly attainted,
" ſhall incur the Pain of an hundred Marks to the
" King, to be levied by the Eſtreats of the Exche-
" quer; and like Law to be holden of a Noiſance
" made by the enhanſing of ſuch Wears, Mills,
" Stanks, Stakes and Kidels, as by new levying, as
The Inconveniencies enſuing by enhanſing and ſtraitening of Wears, Mills, Stanks, &c. 10 Co. 138. " in the ſame Statutes more fully doth appear. And
" now, at the Requeſt of the ſaid Commons, ſhew-
" ing by their Petition, that the common Paſſages of
" Ships and Boats in the great Rivers of *England*,
" and alſo Meadows and Paſtures, and Lands ſowed
" adjoining to the ſaid Rivers, be greatly diſturbed,
" drowned, waſted, and deſtroyed by outrageous en-
" hanſing and ſtraiting of Wears, Mills, Stanks, Stakes
" and Kidels, in old Time made and levied before the
" Time of the ſaid King EDWARD, Son of King
" HENRY, whereof great Damage and Loſs hath come
" to the People of the Realm, and daily will come, if
" Remedy be not thereof provided:" ' It is accord-
A Confirmation of the Statutes of 25 Ed. 3. ſtat. 4. c. 4. and 45 Ed. 3. c. 2. touching the pulling down or abating of Wears, Mills, &c. ' ed and eſtabliſhed by the Aſſent aforeſaid, That
' the ſaid Statutes be in all their Articles holden, and
' firmly kept, and duly executed, with all the Pains,
' and after the Effect of the ſame. Joined there-
' to, That Commiſſions be made in due Form to ſuf-
' ficient Perſons to be Juſtices in every County of
' *England*, where Need ſhall be, to ſurvey and keep
' the Waters and great Rivers there, and to correct
' and amend the Defaults, and to make due Execution
' of the ſaid Statutes, after the Effect of the ſame, as
Commiſſions ſhall be awarded to certain Juſtices to ſurvey Wears, and to redreſs Offences. ' well by their Survey, Advice, and Diſcretion, as
' by Inqueſts thereof to be taken, as well within Fran-
' chiſe as without, ſo often and when Need ſhall be,
' and to hear and determine the Things aforeſaid;
' and moreover to ſurvey the Wears, Mills, Stanks,
' Stakes, and Kidels in old Times made and levied
' before the ſaid Time of King EDWARD, Son of King
' HENRY; and them that they find too much enhanced
' or ſtraited, to correct, pull down, and amend in the
' Manner and Form aforeſaid, ſaving always a reaſon-
' able Subſtance of Wears, Mills, Stanks, Stakes, and
' Kidels aforeſaid, ſo in old Times made and levied.
He that hath the Freehold ' And if any ſuch Noiſances of Wears, Mills, Stanks,

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dEngleterre ſi feurent ſouventſoitz deſtourbez par le lever des gors molyns eſtankes eſtakes & kideux en graunde damage du poeple accordez feut & eſtabliz qe touz tielx gors molyns eſtankes eſtakes & kideux qi feurent levez & mys en temps le Roi EDWARD fitz a Roi HENR' & depuis en tieulx rivers par queux les niefs & bateux ſont deſtourbez qils ne poient paſſer come ils ſoloient ſoient ouſtez & nettement abatuz ſaunz eſtre relevez & qe briefs ſerroient ſur ce maundez as viſcontz des lieux ou meſtier ſerroit de ſurveier & denquere & de faire ent execution & auxint qe Juſtices ſerroient ſur ce aſſignez a tous les foitz qil buſſoigneroit. Et apres a la grevouſe pleint des graunts & des communes fait en parlement du dit Roi E. laiel lan de ſon regne quarant & quint compleinantz par lour petition qe le dit eſtatut neſtoit pas duement execut ne gardez ſelonc leffect dicelle eſtoit accordez & eſtabliz qe le dit eſtatut en ceo point ſoit tenuz & gardez ſelonc leffect dicelle adjoustant a ycell qe ſi null tiel anuſance ſoit abatuz par due proceſſe contenue en le dit eſtatut cellui qi ferra relever la dite anuſance & de ce ſoit atteint duement encourge la peine de cent marcz devers le Roy a lever par leſtrete en leſcheqer & autiel loy ſe teigne danuſance fait par lenhancer de tieux gors molyns eſtanks eſtakes & kideux come par novel lever come en les ditz eſtatutz plus pleinement apiert. Et ore a la requeſt des ditz Communes monſtrantz par lour petition qe les communes paſſages des niefs & bateux en les graundes rivers dEngleterre & auxint prees & paſtures & terres ſemez adjoinantz as ditz rivers ſont graundement deſtourbez ſurondez gaſtez & deſtruz par les outrageouſes enhancer & eſtreiture des gors molyns eſtankes eſtakes & kydeux auncienement faitz & levez devant le temps le dit Roi E. fitz a Roi HENR' dont graundes damages & perdes ſont avenuz ſovent a poeple de Roialme & aviendrent de jour en autre ſi remede ent ne ſoit mis accordez eſt & eſtabliz de laſſent avauntdit qe les ditz eſtatutz ſoient en touz lour articles tenuz & fermement gardez & duement executz ovec les peines & ſelonc leffect dicelles adjouſtant a ycelles qe commiſſions ſoient faites en due fourme as ſuffiſceantz perſones deſtre Juſtices en cheſcune conte dEngleterre ou buſſoigne ſerra de ſurveier & garder les eaux & graundz rivers illeoſqes & les defauts corriger & amender & due execution faire de les ditz eſtatutz ſelonc leffect dicelles ſibien par lour ſurveue avis & diſcretion come par enqueſtes ent aprendre deinz franchiſes & dehors ſi & quant buſſoigne ſerra & doier & terminer les choſes ſuiſditz & outre ce de ſurveier les gors molyns eſtankes eſtakes & kideux anuncienement faitz & levez devaunt le dit temps du Roi E. fitz a Roi H. & ceux qils troverent trop enhancez ou eſtreitez de les corriger abater & amender en le manere & forme ſuiſdit ſauvant toutefoitz reſonable ſubſtance des les gors molyns eſtankes eſtakes & kideux ſuiſditz iſſint auncienement faitz & levez. Et ſi aucuns

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cuns tielx anuſances des gors molyns eſtankes eſtakes & kideux des paſſages & eſtroitures anunciement faitz & levez ſoient adjuggez ou agardez par les ditz Juſtices deſtre abatez & amendez cellui qad le franc tenement dicelles ferra ent execution as ſes cuſtages deinz un demy an apres notification a lui ent affaire ſur peine de cent marcz appaiers au Roi par eſtretes en leſcheqer & cellui qi les face relever ou enhancer ou eſtreiter encontre le dit juggement & de ce ſoit duement convict encourge la peine de cent marcz apaiers a Roi par eſtretes en leſcheqer ſuſdite & en cas qe aſcune ſe ſent eſtre grevez par execution ou autre voie en celle partie encountre droit & raiſon purſue & eit droit & remede.

'Stakes, and Kidels, of Paſſages and Straitings in old Times made and levied, be judged and awarded by the ſaid Juſtices to be pulled down and amended, he that hath the Freehold of the ſame ſhall make thereof Execution at his own Coſts, within half a Year after Notice to him thereof to be made, upon pain of an hundred Marks to be paid to the King by Eſtreats of the *Exchequer*; and he that cauſeth them to be repaired or enhanced, or ſtraited, againſt the ſaid Judgement, and thereof be duly convict, ſhall incur the Pain of a hundred Marks, to be paid to the King by Eſtreats in the *Exchequer* aforeſaid; and in caſe that any feeleth himſelf grieved by Execution or other Way in this Behalf, againſt Right and Reaſon, he may purſue, and ſhall have Right and Remedy.'

of the Land, ſhall perform the Juſtices Award touching the ſame.

21 R. 2. c. 19. *Enforced by* 12 Ed. 4. c. 7. *tit.* Wears.

which inflicts Penalty on Offenders. See farther Index,

CAP. XIII.

Cuſtomers, Controllers, Searchers, &c. ſhall be removable at the King's Pleaſure, and ſhall be reſident upon their Offices.

ITEM come en leſtatut fait a Weſtm' al quinziſme Seint Hillar' lan du regne le dit nadgairs Roi RICHARD dis & ſeptiſme entre autres choſes ordeinez ſoit & eſtabliz qe null ſercheour gaugeour des vyns alneour tronour poiſour des laines ou aucuns autres merchandiſe collectour des cuſtumes & ſubſides qeconqes ou contrerollour eit eſtat en ſon office a terme de vie ou des ans ainz qe les ditz offices demoergent es mains du Roi ſouz governance del Treſorer pur le temps eſteant ovec laſſent du conſeil quaunt y buſoigne & ſi aſcuns chartres ou lettres patents ſoient faitz a contrair qils ſeroient outrement voidez & de null effect accordez eſt & aſſentuz qe le dit eſtatut ſoit fermement tenuz & gardez & mis en due execution adjouſtant a ycelle qe les cuſtumers & contrerollours en cheſcune port dEngleterre demoergent ſur lour offices en lour propres perſones ſaunz aſcun depute ou lieutenant faire en lour nouns.

"ITEM, Whereas in the Statute made at *Weſtminſter*, the fifteenth of St. *Hillary*, in the ſeventeenth Year of the ſaid late King RICHARD, it was amongſt other Things ordained and ſtabliſhed, That no Searcher, Gauger of Wines, Aulneger, Tronour, or Weigher of Woolls, or any other Merchandiſe, Collectors of Cuſtoms and Subſidies, nor Controllers, have Eſtate in his Office for Term of Life or Years; but that the ſame Offices remain in the King's Hands under the Governance of the Treaſurer for the Time being, with the Aſſent of the Council, when Need ſhall be; and if any Charters or Letters Patents be made contrary, they ſhall be voided and of none Effect:" 'It is accorded and aſſented, That the ſaid Statute be firmly holden and kept, and put in due Execution: Joined to the ſame, that Cuſtomers and Controllers in every Port of *England* ſhall be reſident upon their Offices in their proper Perſons, without making any Deputy or Lieutenant in their Names.'

Dyer 303. Officers which ſhall have no Eſtate, but be removeable at the King's Pleaſure.

Cuſtomers and Controllers ſhall be reſident upon their Offices.

17 R. 2. c. 5.
31 H. 6. c. 5.
1 El. c. 11. ſ. 8.
See 4 H. 4. c. 20. *Aulnage Duties.*

13 H. 4. c. 5. *which put Cuſtomers under farther Reſtrictions. See likewiſe* 11 & 12 *W.* 3. c. 20. *which takes away*

CAP. XIV.

Where all Sorts of Appeals ſhall be tried and determined.

ITEM pur pluſours graundes inconveniences & meſchiefs qe pluſours foitz ont avenuz par voie des pluſours appelles faites deinz le Roialme dEngleterre devaunt ces heures ordeinez eſt & eſtabliz qe deſore enavant toutz les appelles affairs des choſes faites deinz le Roialme ſoient triez & terminez par les bones leys du Roialme faites & uſez en temps des treſnobles progenitours noſtre dit Seignur le Roi & qe toutz les appelles affairs des choſes faites hors de Roialme ſoient triez & terminez devant les Coneſtable & Mareſchall dEngleterre pur le temps eſteantz. Et outre ceo accordez eſt & aſſentuz qe nulles appelles ſoient deſores faitz ou purſuez en parlement aucunement en null temps avenir.

"ITEM, For many great Inconveniencies and Miſchiefs that often have happened by many Appeals made within the Realm of *England* before this Time:" 'it is ordained and ſtabliſhed from henceforth, That all the Appeals to be made of Things done within the Realm, ſhall be tried and determined by the good Laws of the Realm, made and uſed in the Time of the King's noble Progenitors; and that all the Appeals to be made of Things done out of the Realm, ſhall be tried and determined before the Conſtable and Marſhal of *England* for the Time being. And moreover it is accorded and aſſented, That no Appeals be from henceforth made or any wiſe purſued in Parliament, in any Time to come.'

3 Inſt. 31, 132. 1 Mod. 148. Raſt. Ent. 49, 50.

No Appeal ſhall be purſued in Parliament.

CAP.

CAP. XV.

The Puniſhment of the Mayor, &c. of *London*, for Defaults committed there.

Raſt. 4. 28 Ed. 3. c. 10. 4 Inſt. 248. The Mayor of *London* ſhall redreſs Errors, Defaults, and Miſpriſions, notoriouſly uſed in the ſame City.

" ITEM, Whereas by a Statute made in the Time " of King EDWARD, Grandfather of our Lord the " King that now is, the eight and twentieth Year of " his Reign, it was ordained and ſtabliſhed, That be- " cauſe the Errors, Defaults, and Miſpriſions, which " were notoriouſly uſed in the City of *London*, for de- " fault of good Governance of the Mayor, Sheriffs, " and Aldermen, might not be inquired nor found by " People of the ſame City; it was ordained and eſta- " bliſhed that the ſaid Mayor, Sheriffs, and Alder- " men, which had the Governance of the City, ſhould " redreſs and correct the Defaults, Errors, and Miſpri- " ſions aforeſaid, and the ſame duly puniſh from Time " to Time, upon a certain Pain; that is to ſay, At the " firſt Default a thouſand Marks to the King, and at " the ſecond Default two thouſand Marks, and at the " third Default, that the Franchiſe of the ſaid City " be taken into the King's Hand; and be it begun to " enquire of them at the Feaſt of Saint *Michael* next " enſuing: ſo that if they make not due Redreſs, as " before is ſaid, it ſhall be inquired of their Defaults " by Inqueſt of foreign Counties, that is to ſay, *Kent*, " *Eſſex*, *Suſſex*, *Hertford*, *Buckingham*, and *Berks*, " as well at the King's Suit, as of others that will " complain; and if the Mayor, Sheriffs, and Alder- " men, be by ſuch Inqueſt indicted, they ſhall be " cauſed to come by due Proceſs before the Juſtices, " which ſhall be thereto aſſigned out of the City, be- " fore whom they ſhall have their Anſwer, as well at " the Suit of the King as of the Party; and if they " put themſelves in Inqueſts, the ſame Inqueſts ſhall " be taken of foreign People, as afore is ſaid; and " if they be attainted, the ſaid Pain ſo incurred ſhall " be levied of the ſaid Mayor, Sheriffs, and Aldermen, " for default of their Government; and neverthe- " leſs the Plaintiffs ſhall recover their treble Damages " againſt the ſaid Mayor, Sheriffs, and Aldermen.

The Conſtable or Lieutenant of the *Tower* ſhall receive and execute the King's Writs.

" And becauſe the Sheriffs of *London* be Party to " this Buſineſs, the Conſtable of the *Tower*, or his " Lieutenant, ſhall be Officer, inſtead of the Sheriffs, " to receive the Writs, as well Originals of the Chan- " cery, as Judicials under the Seals of the Juſtices, " to do thereof Execution in the ſaid City; and " Proceſs ſhall be made by Attachments, Diſtreſs, and " Exigent, if Need be, ſo that at the King's Suit the " Exigent ſhall be awarded after the firſt *Capias* re- " turned, and at the third *Capias* returned at the Suit " of the Party. And if the Mayor, Sheriffs, and " Aldermen have Lands and Tenements out of the " ſaid City, Proceſs ſhall be made againſt them by At- " tachment and Diſtreſs in the ſame Counties where " the Lands and Tenements be; and that every of the " ſaid Mayor, Sheriffs, and Aldermen, which cometh " before the ſaid Juſtices, ſhall anſwer alone for him- " ſelf, as well at the Peril of other which be abſent, " as of himſelf; and that this Ordinance be holden " firm and ſtable, notwithſtanding any Manner of " Franchiſes, Privileges, or Cuſtoms; and that " this Ordinance ſhall extend to other Cities and Bo- " roughs of the Realm, where ſuch Defaults or Miſ- " priſions be uſed, and not duly corrected nor re- " dreſſed ſaving that the Inqueſt be taken by People

Ex Rot. in Turr. Lond.

ITEM come par eſtatut fait en temps du Roi E. aiel noſtre Seignur le Roi qoreſt lan de ſon regne vingt oeptiſme ordeinez ſoit & eſtabliz qe pur ce qe les errours defaultes & meſpriſions qi feurent notoirement uſeez en la Citee de Londres pur defalte de bone governement de Mair des Viſcontz & des Aldermannes ne purront eſtre inquiſez ne trovez par gentz de meſme la Citee ordeine fuit & eſtablie qe les ditz Mair Viſcontz & Aldermannes qont la governement de la dite Cite facent redreſcer & corriger les defaltes errours & meſpriſions fuſnomez & les duement punir de temps en temps ſur certaine peine ceſtaſſavoir a primere defalt mill. marcz a Roi & a le ſeconde defalt deux mill. marcz & a tierce defalt qe la franchiſe de la dite Citee ſoit pris en la maine le Roi & ſoit comence denquere ſur eux a la Seint Michel proſchein avenir iſſint qils ne facent dues redreſſementz come deſus eſt dit ſoit enquis de lour defautz par enqueſtes des gentz des foreines contees ceſtaſſavoir Kent Eſſex Suſſex Hertf' Buk' & Berk' ſibien a la ſuite de Roi come dautres qi pleindre ſe voudront. Et ſi les Mair Viſcontz & Aldermannes ſoient par tieux enqueſtes enditez ſoient faitz venir par due proces devant les Juſtices le Roi qi ſerront a ce aſſignez de hors la dite Citee devant queux ils eient lour reſpons ſibien a Roi come a la partie & ſils ſe mettent & enqueſte ſoient celles enqueſtes priſez par gentz forains come deſuis eſt dit & ſils ſoient atteintz ſoit la dite peine encurru leve des ditz Mair Viſcontz & Aldermannes pur defaut de lour governement & nientmeins les pleintifs recoverent lour damages a treble vers les ditz Mair Viſcontz & Aldermannes. Et per cauſe qe les Viſcontz de Londres ſont parties a ceſt buſoigne ſoit le Coneſtable de le Tour ou ſon leutenant miniſtre en lieu des Viſcontz a receiver les briefs ſibien originals de la Chancellarie come judicialx ſouz les ſealx des Juſtices a faire ent execution en la dite Citee. Et ſoit proces faite par attachementz & par deſtreſſes & par exigend ſi meſtier y ſoit iſſint qal ſuite le Roi ſoit lexigend agarde après le primer Capias retourne & a la tierce Capias retourne al ſuite de partie. Et ſi les Mair Viſcontz & Aldermannes eient terres & tenementz dehors la dite Cite ſoit proceſſe fait devers eux par attachementz & diſtreſſes es meſmes les countees ou les terres & tenementz ſont. Et qe cheſcun des ditz Mair Viſcontz & Aldermannes qi viendra devant les ditz Juſtices reſpoigne ſingulerement pur lui meſmes ſibien a peril des autres qi ſont abſentz come de lui meſmes & ceſt ordinance ſoit tenuz ferme & eſtable nient contreſteantz franchiſes privileges ou cuſtumes qeconqes & qe ceſt ordinance ſe extende as autres citees & burghs du Roialme ou tieux defautz ou meſpriſions ſont uſeez & nemy duement corrigez & redreſſez ſauve qe les enqueſtes ſoient priſez par gentz de meſme le contee ou

Ex Rot. in Turr. Lond.

ou tieux citees ſont & qe la peine de ceux de citees burghs & villes qi de ce ſerront atteintz ſoit adjugge par diſcretion des Juſtices qa ce ferront aſſignez. Noſtre dit Seignur le Roi conſiderant le bone & loial port de les Mair Viſcontz & Aldermannes & de tout la communaltee de meſme la Cite de Londres devers meſme noſtre Seignur le Roi & par tant lour veulant faire eaſe & mitigation de les peines avauntditz de laſſent des Seignurs eſpirituelx & temporelx & de les communes avauntditz ad ordeinez & eſtabliez qe les peines ſibien de les $\frac{1}{M}$ marcz come de les deux $\frac{1}{M}$ marcz & del ſeiſin del franchiſe compris el dit eſtatut ne ſoient my limitez en certeine Mais qe la peine en ce cas ſoit par advis & diſcretion des Juſtices a ce aſſigners come autres citees & burghs ſont deinz le Roialme & qe le remanant de meſme leſtatut & le proces dicell eſtoiſent en lour force.

" of the ſame County where ſuch Cities and Boroughs
" be; and that the Penalty of them of ſuch Ci-
" ties, Boroughs, and Towns, which ſhall be thereof
" attainted, be judged by the Diſcretion of the Ju-
" ſtices, which ſhall be thereto aſſigned." ' Our
' Lord the King conſidering the good and lawful Be-
' haviour of the Mayor, Sheriffs, and Aldermen, and
' of all the Commonalty of the ſame City of *London*
' towards him, and therefore willing to eaſe and miti-
' gate the Penalty aforeſaid, by the Aſſent of the Lords
' Spiritual and Temporal, and of the Commons afore-
' ſaid, hath ordained and eſtabliſhed, That the Penalty
' aforeſaid, as well of the thouſand Marks, as of the
' two thouſand Marks, and of the Seizure of the
' Franchiſe compriſed in the ſaid Statute, ſhall not
' be limited in a Certainty, but that the Penalty in this
' Caſe be by the Advice and Diſcretion of the Juſtices
' thereto aſſigned, as other Cities and Boroughs be
' within the Realm, and that the Remnant of the ſame
' Statute, and the Proceſs thereof, ſtand in their Force.'

The Penalties inflicted by the Statute of 28 Ed. 3. c. 10. upon the Mayor of *London* ſhall be according to the Diſcretion of the Juſtices.

CAP. XVI.

Merchants of *London* ſhall be as free to pack their Cloths as other Merchants.

ITEM accordez eſt & aſſentuz qe les merchantz de Londres deſore enavant ſoient auxi frank de packer lour draps & quitz de meſme le packeur come ſont les autres merchantz ou autres eſtrangers deinz la dite Citee ou deinz autres citees & burghs deinz le Roialme & ſi aſcuns lettres patentz ſoient faitz a contraire qils ſoient toutoutrement repellez & adnullez & tenuz de null force & vertue.

' ITEM, It is accorded and aſſented, That the Mer-
' chants of *London* from henceforth ſhall be as free
' to pack their Cloths, and quit of the ſame Packing,
' as the other Merchants or other Strangers within
' the ſame City, or within other Cities and Boroughs
' within the Realm be; And if any Letters Patent
' be made to the contrary, they ſhall be utterly re-
' pealed, adnulled, and holden of no Force nor Vir-
' tue.'

CAP. XVII.

Strangers may buy and ſell within the Realm Victuals in Groſs or by Retail.

ITEM come en leſtatut fait a Weſtm' lan ſiſme le dit nadgairs Roi RICHARD entres autres choſez ſoit ordeinez & accordez qe cheſcun foreine & aliene eſteant del amiſte de Roi & de Roialme & venant deinz la Cite de Londres & autres citees burghs & villes deinz le Roialme ſibien deinz franchiſe come dehors ovec peſſon & autres vitailles qeconqes illoeqes demurrantz & retournantz ſerroit delors deſouz la ſauve garde & eſpeciale protection de Roi & qe bien liſe a eux & a cheſcun de eux qils puiſſent trencher peſſon & vitailles ſuiſditz par pieces & a taill & a retaill en partie & en tout ou en groos come meuz lour ſemblera vendre & lour profit ent faire ſanz empeſchement ou contredit de nulluy non obſtantz aſcuns eſtatutz chartres ordinances privileges ou cuſtumes faitz ou euez au contrair. Noſtre dit Seignur le Roi conſiderant meſmes leſtatut eſtre moolt profitable par pluſours voies ſil feuſſe mys en execution de laſſent des Seignurs & communes ſuiſditz ad ordeinez & eſtabliez qe le dit eſtatut ſoit fermement tenuz & gardez & duement execut ſelonc la forme & effect dicell nient contreſteantz les lettres patentz nadgairs grauntes au contrair as peſſoners de Londres par le dit nadgairs Roy RICHARD ſur ſon dareyn paſſage vers Irland.

" ITEM, Whereas in the Statute made at *Weſt-*
" *minſter* in the Sixth Year of the ſaid late King
" RICHARD, amongſt other Things it is ordained and
" accorded, That every Foreigner and Alien being of
" the King's Amity and of the Realm, and coming
" within the City of *London*, and other Cities, Bo-
" roughs, and Towns within the ſaid Realm, as well
" within Franchiſes as without, with Fiſh and all
" Manner other Victuals, there dwelling and return-
" ing, ſhall be from henceforth under the Safeguard
" and ſpecial Protection of the King; and that it
" ſhall be lawful to them, and every of them, to cut
" their Fiſh and Victuals aforeſaid by Pieces, and the
" ſame to tail and retail in Part, or in all, or in Groſs,
" as to them ſhall beſt ſeem to ſell, and thereof to
" make their Profit, without Impeachment or Contra-
" diction of any, notwithſtanding any Statutes, Char-
" ters, Ordinances, Privileges, or Cuſtoms made or
" had to the contrary:" ' Our Lord the King con-
' ſidering the ſame Statute to be very profitable many
' Ways, if it were put in Execution, by the Aſſent
' of the Lords and Commons aforeſaid, hath ordain-
' ed and ſtabliſhed, That the ſaid Statute be firmly
' holden, kept, and duly executed after the Form
' and Effect thereof, notwithſtanding the Letters Pa-
' tents late granted to the contrary to the *Fiſhmonger's*
' of *London* by the ſaid late King RICHARD, upon
' his laſt Voyage toward *Ireland*.'

A Confirmation of the Statute of 6 R. 2. c. 10. authoriſing Merchants, Strangers to buy and ſell within the Realm.

6 R. 2. c. 10. *Confirmed by* 14 H. 6. c. 6. *See* 3 Jac. 1. c. 6. *giving free Liberty of Trade into Spain, Portugal, and France.*

CAP. XVIII.

Proceſs againſt one of the County of *Cheſter*, which committeth an Offence in another Shire.

What Proceſs ſhall be awarded where one of the County of *Cheſter* doth commit Felony in another County.

" ITEM, Upon the grievous Clamour and Complaint made to our Lord the King in this preſent Parliament, of many Murders, Manſlaughters, Robberies, Batteries, and other Riots and Offences, which before this Time have been done by People of the County of *Cheſter* to divers of the King's liege People in divers Parts and Counties of *England*;" ' the ſame our Lord the King, by the ' Advice and Aſſent of his Lords Spiritual and Temporal, and of his Commons aforeſaid, hath ordained ' and ſtabliſhed, That if any Perſon of the County of ' *Cheſter*, reſident or dwelling within the ſame County, ' of what Eſtate or Condition he be, do commit any ' Murder or Felony in any Place out of the ſame County, Proceſs ſhall be made againſt him by the Common ' Law, till the Exigent, in the County where ſuch ' Murder or Felony was done. And if he flee from ' thence into the County of *Cheſter*, and be outlawed and put in Exigent for ſuch Murder or Felony, the ſame Outlawry or Exigent ſhall be certified to the Officers and Miniſters of the ſame County ' of *Cheſter*, and the ſame Felon ſhall be taken by the ſame Officers or Miniſters, and his Lands and Tenements, Goods and Chattels, being within the ſame ' County of *Cheſter*, ſhall be ſeized as forfeit into the ' Hands of the Prince, or of him that ſhall be Lord of ' the ſame County of *Cheſter* for the Time, and the ' King ſhall have the Year and Day, and the Waſte; ' and the other Lands and Tenements, Goods and ' Chattels of ſuch Felon, being out of the ſaid County ' of *Cheſter*, ſhall remain wholly to the King, and to other Lords, having thereof Franchiſe, as forfeit.

The Proceſs where one of the County of *Cheſter* doth make a Battery or other Treſpaſs in any other County.

' And if any Perſon of the ſame County of *Cheſter*, ' reſident or dwelling in the ſame, make a Battery or other Treſpaſs in any Place out of the ſaid County ' of *Cheſter*, Proceſs ſhall be made againſt him by the Common Law, till the Exigent, in the Counties ' where ſuch Battery or Treſpaſs is done. And if ' he flee from thence into the ſaid County of *Cheſter*, ' and be outlawed for ſuch Battery or Treſpaſs, the ' Outlawry ſhall be certified to the Officers and Miniſters of the ſaid County of *Cheſter*, and the ſame ' Perſon ſhall be taken by the ſame Officers or Miniſters; and his Goods and Chattels, being within the ſame County of *Cheſter*, ſhall be ſeized into ' the Hands of the Prince, or of him which ſhall be ' Lord of the ſaid County of *Cheſter* for the Time; ' and his other Goods and Chattels, being out of ' the ſaid County of *Cheſter*, ſhall remain wholly to ' the King, and to other Lords aforeſaid, as forfeit, ' in ſuch Sort as afore is ſaid.'

Confirmed by 9 H. 5. *Stat.* 1. c. 2.

Ex Rot. in Turr. Lond.

ITEM ſur les greyouſes clamour & compleinte faitz a noſtre dit Seignur le Roy en ceſt preſent parlement des pluſours murdres homicides roberies bateries & autres riotes & meffaites qe devant ces heures ont eſte faitz par les gentz del contee de Ceſtre as pluſours lieges de Roi es diverſes contees dEngleterre meſme noſtre Seignur le Roi de ladvis & aſſent des Seignurs eſpirituelx & temporelx & des communes avauntditz ad ordeinez & eſtabliz qe ſi aſcun perſone del contee de Ceſtre receant & demurrant deinz meſme le contee de quel eſtat ou condition qil ſoit face murdre ou felonie par aillours hors de dit contee ſoit proces fait devers luy par la commune ley tanqual exigend en les contees ou tieux murdre ou felonie ſoit fait. Et ſil fue dilloeqes en le dit conte de Ceſtre & ſoit utlage ou mys en exigend pur tiel murdre ou felonie ſoit la utlagarie ou lexigend certifiez a les officers & miniſtres de meſme le conte de Ceſtre & ſoit celle felon pris par meſmes les officers ou miniſtres & ſes terres & tenementz biens & chateux eſtentz deinz ycell conte de Ceſtre ſeiſez come forfaitz es mains du Prince ou de celluy qi ſerra Seignur de dit conte de Ceſtre pur le temps & ait le Roi lan jour & waſt & les autres terres & tenementz biens & chateaux de tiel felon eſteantz hors de meſme contee de Ceſtre demoergent entierment au Roi & as autres Seignurs eiantz ent franchiſes come forfaitz. Et ſi aucun perſone de meſme le contee de Ceſtre receant ou demurrant en ycell face aucune baterie ou autre treſpas par aillours hors de dit contee de Ceſtre ſoit proces fait devers lui par la commune ley tanqal exigend es contees ou tiel baterie ou treſpas ſoit fait & ſil fue dilloeqes en le dit contee de Ceſtree & ſoit utlagez pur tiel baterie ou treſpas ſoit lutlagair certifiez a les ditz officers & miniſtres de meſme le contee de Ceſtre & ſoit cell perſone pris par meſmes les officers ou miniſters & ſes biens & chateaux eſteantz deinz le dit contee de Ceſtre ſoient ſeiſez es mains du Prince ou de cellui qi ſerra Seignur de dit contee de Ceſtre pur le temps & ſes autres biens & chateux eſteantz hors de meſme le contee de Ceſtre demoergent entierment a Roi & as autres Seignurs ſuiſditz come forfaitz enmanere come deſſus eſt dit.

CAP. XIX.

EXP. *Farther provided for* 9 H. 4. c. 2. 39 *Eliz.* c. 20.

During three Years, for no Cloth whereof the Dozen exceedeth not 13*s.* 4*d.* any Subſidy ſhall be paid, or ſhall be ſealed.

7 Jac. 1. c. 16. *See* 11 *and* 12 *W.* 3. c. 20. *which takes away Aulnage Duties.*

CAP. XX.

EXP. The King's Pardon of Treaſon, Felony, Outlawry, &c. to all them that will purſue their Charters before the Feaſt of *All Saints*, with ſome Exceptions.

Statutes

Statutes made at Weſtminſter, Anno 2 HEN. IV. *and* Anno Dom. 1400.

Ex Rot. in Turr. Lond. *m.* 19.

AU parlement tenuz a Weſtm' en les octaves de Seint Hiller lan du regne le Roy HENRY le quart puis le cónqueſt ſecond meſme noſtre Seignur le Roy del aſſent des Prelatz Ducs Conts & Barons & a les eſpecialx inſtance & requeſt des Communes aſſemblez a ceſt preſent parlement ad fait ordeigner & eſtablir certeins eſtatutz & ordinances en la forme qenſeut.

"AT the Parliament holden at *Weſtminſter* in "the *Utas* of St. *Hillary*, the ſecond Year "of the Reign of King HENRY the Fourth, "the ſame our Lord the King, by the Aſſent of "the Prelates, Dukes, Earls, and Barons, and at "the ſpecial Inſtance and Requeſt of the Commons "aſſembled at this preſent Parliament, hath cauſed to "be ordained and ſtabliſhed certain Statutes and Or-"dinances in Form following."

CAP. I.

A Confirmation of Liberties. Each Perſon may purſue the Law, or defend it.

PRimerement qe Seinte eſgliſe eit ſes droitures & libertees & qe touz les Seignurs eſpirituelx & temporelx & toutz les citees burghs & villes enfranchiſes eient & enjoient toutz lour libertees & franchiſes queux ils ont duement uſez & les queux ils ont du grante de ſes nobles progenitours & predeceſſours Roys dEngleterre & qe la Grande Chartre & la chartre de la Foreſte & touz les autres bons ordinances & eſtatutz faitz en ſon temps & en temps de ſes nobles progenitours nient repellez ſoient fermement tenuz & gardez en toutz pointz & qe toutz ſes lieges & ſubgitz purront franchement & peſiblement & en ſeure & ſauf protection du luy aler & venir a ſes courtes a purſuir les loyes ou les defendre ſanz deſtourbance ou impediment de nully & qe pleine juſtice & droit ſoient faitz ſibien as poveres come as riches en ſes courtes avauntdites.

'FIRST, That holy Church have her Rights 'and Liberties; and that all the Lords Spiri-'tual and Temporal, and all the Cities, Boroughs, 'and Towns enfranchiſed, have and enjoy all their 'Liberties and Franchiſes, which they have lawfully 'uſed, and which they have of the Grant of his noble 'Progenitors and Predeceſſors Kings of *England*; 'and that the Great Charter, and the Charter of the 'Foreſt, and all other good Ordinances and Statutes 'made in his Time, and in the Time of his noble 'Progenitors, not repealed, be firmly holden and kept 'in all Points: And that all his liege People and 'Subjects may freely and peaceably in his ſure and 'quiet Protection go and come to his Courts to pur-'ſue the Laws, or defend the ſame, without Diſtur-'bance or Impediment of any: And that full Ju-'ſtice and Right be done, as well to the Poor as to the 'Rich, in his Courts aforeſaid.'

1 H. 4. c. 1. *Confirmed by* 7 H. 4. c. 1.

CAP. II.

An Expoſition of Part of the Statute of 1 HEN. 4. c. 6. touching the mentioning of other Gifts which a Petitioner hath received of the King or his Predeceſſors. EXP.

CAP. III.

If any do accept a Proviſion granted by the Pope to a Religious Perſon to be exempt from Obedience, he ſhall be within the Danger of the Statute of Proviſors.

ITEM ordeignez eſt & eſtabliz qe ſi aucune proviſion ſoit fait par noſtre Sient Pier le pape a aucune perſone de religion ou a autre perſone quelconque deſtre exempte dobedience regulere ou dobedience ordinaire ou davoir aucune office perpetuel deinz maiſons de religion ou atant come une regulere perſone religiouſe ou deux ou pluſours ont en ycelles qe ſi tiels proviſours deſore enavant acceptent ou enjoient aucune tiele proviſion qils encourgent les peynes compriſez en eſtatut des Proviſours fait lan treſziſme le Roy RICHARD ſecond.

'ITEM, It is ordained and ſtabliſhed, That if any 'Proviſion be made by the Biſhop of *Rome* to any 'Perſon of Religion, or to any other Perſon, to be ex-'empt of Obedience regular, or of Obedience ordi-'nary, or to have any Office perpetual within Houſes 'of Religion, or as much as one regular Perſon of 'Religion, or two or more, have in the ſame; that 'if ſuch Proviſours from henceforth do accept or en-'joy any ſuch Proviſion, they ſhall incur the Pains 'comprized in the Statute of Proviſors, made in the 'xiii Year of King RICHARD the Second.'

25 *Ed.* 3. *ſtat.* 6. 13 *R.* 2. ſtat. 2. c. 2 & 3. 16 *R.* 2. *c.* 5. *See* 5 *El. c.* 1. *and* 13 El. c. 2. *againſt maintaining the Authority of the See of Rome, or bringing Bulls, &c. from Rome.*

CAP. IV.

The Penalties for purchaſing of Bulls to be diſcharged of Tithes.

ITEM por ce qe noſtre Seignur le Roy ſur grevouſe compleint a luy fait en ceſt parlement ad entenduz qe les religiouſes hommes de lordre de

"ITEM, For as much as our Lord the King, upon "grievous Complaint to him made in this Parlia-"ment, hath perceived, That the Religious Men of

2 Roll, 480.

" the Order of *Ciſteaux* in the Realm of *England*, have " purchaſed certain Bulls to be quit & diſcharged to " pay the Tithes of their Lands, Tenements and Poſ- " ſeſſions, let to Ferm, or manured, or occupied by " other Perſons than by themſelves, in great Prejudice " and Derogation of the Liberty of holy Church, and " of many liege People of the Realm;" ' our Lord ' the King willing thereupon to ordain Remedy, by ' the Advice and Aſſent of the Lords Spiritual and ' Temporal, and at the Inſtance and Requeſt of the ' ſaid Commons, hath ordained and ſtabliſhed, That ' the Religious Perſons of the Order of *Ciſteaux* ſhall ' ſtand in the Eſtate that they were before the Time of ' ſuch Bulls purchaſed; and that as well they of ' the ſaid Order, as all other religious and Seculars, ' of what Eſtate or Condition they be, which do put ' the ſaid Bulls in Execution, or from henceforth do ' purchaſe other ſuch Bulls of new, or by Colour ' of the ſame Bulls purchaſed, or to be purchaſed, do ' take Advantage in any Manner, that Proceſs ſhall ' be made againſt them and every of them by Garniſh-
13 R. 2. ſtat. 2. c. 3. ' ment of two Months by Writ of *Premunire facias*; ' and if they make Default, or be attainted, then
See 13 El. c. 2. *for the Penalty of bringing Bulls, &c. from Rome.* ' they ſhall incur the Pains and Forfeitures contained ' in the Statute of Proviſors, made the Thirteenth ' Year of the ſaid King RICHARD.'

Ex Rot. in Turr. Lond.

Ciſteux del Roialme dEngleterre ont purchacez certeines bulles deſtre quitz & deſchargiez de leur diſmes paier de leur terres tenementz & poſſeſſions leſſez a ferme ou cultivez & occupiez par autres perſones qe par eux meſmes en grant prejudice & derogation da la liberte de Seint eſgliſe & des pluſeurs lieges du Roialme Noſtre Seignur le Roi veullant ſur ceo purvoir de remede de ladvis & aſſent des toutz les Seignurs eſpirituelx & temporelx & al inſtance & requeſt des ditz communes ad ordeinez & eſtabliz qe les religiouſes de lordre de Ciſteux eſtoiſent en leſtat qils feurent devant le temps des tielx bulles purchaſez. Et qe ſibien ceux du dit ordre come toutz autres religiouſes & ſeculers de quel eſtat ou condition qils ſoient qi mettent les dites bulles en execution ou deſore enavant purchacent autres tielx bulles de novel ou par colour de meſmes les bulles purchacez ou a purchacers preignent avantage en aucune manere qe proces ſoit fait devers eux & cheſcun de eux par garniſement de deux moys par brief de Premunire facias. Et ſils facent defaut ou ſoient atteintz qils encourgent les peines & forfaitures compriſes en leſtatut des proviſours fait lan xiii^me^, le Roy RICHARD ſuiſdit.

CAP. V.

He that carrieth Gold or Silver out of the Realm ſhall confeſs ſo much.

5 R. 2. ſtat. 1. c. 2. " ITEM, Whereas in the Statute made at *Weſt-* " *minſter* in the fifth Year of the ſaid King RI- " CHARD, amongſt other Things it is contained, how " it was aſſented, accorded, and enjoined by the ſaid " late King to all Manner of People, Merchants, " Clerks, and others, as well Strangers as Denizens, " of whatſoever Eſtate or Condition they ſhould be, " upon Pain of as much as they might forfeit, that " none of them, upon the ſaid Pain, privily nor " openly, ſhould ſend or carry, nor cauſe to be ſent or " carried, out of the ſaid Realm of *England*, any " Gold or Silver in Money, Bullion, Plate, Veſſel, " nor by Exchange to be made, except the Wages of " *Calais*, and other the King's Fortreſſes beyond the
2 Inſt. 741. " Sea, ſaving certain Prelates, Lords, and others com- " prized in the ſame Statute, without ſpecial Leave, " and Licence thereupon firſt had, as by the ſame " Statute may more fully appear:" ' our Lord the ' King, for to prevent the Subtilty of them that will ' do Fraud or Deceit to him in this Behalf, hath or- ' dained and ſtabliſhed, That if from henceforth any ' Searcher of the King may find Gold or Silver in ' Coin, or in Maſs, in the keeping of any that is paſ- ' ſing, or upon his Paſſage, in any Ship or Veſſel to go ' out of any Port, Haven, or Creek of the Realm, ' without the King's ſpecial Licence, all that Gold ' or Silver ſhall he forfeit to the King, ſaving his ' reaſonable Expences, which he ſhall be bound to
Merchants Strangers may carry half their Money forth of the Realm. ' confeſs and diſcover preſently after that he is warned ' and charged ſo to do by the ſame Searcher, or elſe ' all the ſaid Money ſo concealed ſhall be forfeit to ' the King. Provided always, That the Merchants
4 Hen. 4. c. 15. ' Strangers that do ſell their Merchandiſe within the ' Realm of *England*, and the one half of the Money of ' *England* received for the ſame Merchandiſes do imploy

ITEM come en leſtatut fait a Weſtm' lan quint le dit Roi RICHARD entre autres choſes ſoit contenuz coment aſſentuz eſtoit accordez & defenduz depar le dit nadgairs Roy as toutz maneres des gentz merchantz clercs & autres ſibien eſtrages come deinzeins de quelconque eſtat ou condition qils ſerroient ſur peine de quant qils purroient forfaire qe nully de eux ſur la dite peine en privee nen appert envoieroit nameſneroit ou ferroit envoier ou ameſner hors du Roialme dEngleterre aucun or ou argent en monoie bollion plate veſſell ne par eſchange affaire exceptz les gages de Caleys & des autres fortereſſes du Roi depar de la & exceptz par eſpecial Prelatz Seignurs & autres compriſes en meſme leſtatut eue ſur ce primerement eſpeciale congie & licence du Roy come par ycell eſtatut y purra plus pleinement apparoir Noſtre Seignur le Roy pur obvier a la ſubtilite deceux qi verront faire fraude ou deceit au luy celle partie ad ordeignez & eſtabliz qe ſi deſore enavant aucun ſercheour du Roy purra trover or ou argent en coyne ou en maſſe en la garde daucuny qi ſont en paſſent ou ſur ſon paſſage en aucune nief ou veſſell pur aler hors daucun port havene ou crike du Roialme ſaunz eſpeciale congee du Roy tout cel or ou argent ſoit forfaitz au Roy forſpris ſes reſonables deſpenſes queux il ſerra tenuz de confeſſer & diſcoverir maintenant apres qe a ce faire il ſoit garniz & chargez par meſme le ſercheour ou autrement tout celle monoie enſi concelee ſoit forfaite au Roy Purveu toutes voies qe les marchantz eſtrangez qi vendent leur marchandiſes deinz le Roialme & la moite du monoie dEngleterre receu pur meſmes les marchandiſes emploient ſur autres marchandiſes du Roialme puiſſent

Ex Rot. in Turr. Lond.

puiſſent franchement apporter hors dicell lautre moite de la dite monoie par congee du Roy ſolonc leſtatut ent fait.

‘ upon other Merchandiſes of the Realm, may freely ‘ carry out from the ſame the other half of the ſaid ‘ Money by the King’s Licence, according to the ‘ Statute thereof made.’

See further Index, tit. Gold and Silver.

CAP. VI.

The Money of *Scotland*, and of other Countries beyond the Sea, ſhall be voided out of *England*, or put to coin before *Chriſtmas*.

EXP. Rep. 21 Jac. 1. c. 28.

See 11 H. 4. c. 5.

13 H. 4. c. 6. 2 H. 6. c. 6. *againſt the Currency of Gally Halfpence, and againſt the Exportation of Gold and Silver.*

CAP. VII.

In what Caſe the Plaintiff ſhall not be nonſuit if the Verdict paſs againſt him.

ITEM por ce qe ſur veredit trove devant quelconque Juſtice en aſſiſe de novel diſſeiſine mort daunceſtre ou autre action quelconque les parties devaunt ces heures ont eſte adjournez ſur difficulte en loye ſur la matire iſſint trovez ordeignez eſt & eſtabliz qe ſi le dit veredit paſſe encontre le pleintif qe meſme le pleintif ne ſoit nounſuy.

“ ITEM, Whereas upon Verdict found before any “ Juſtice in Aſſiſe of *Novel diſſeiſin*, *Mort dauncester*, “ or any other Action whatſoever, the Parties before “ this Time have been adjourned upon Difficulty in “ Law upon the Matter ſo found;” ‘ it is ordained ‘ and ſtabliſhed, That if the Verdict paſs againſt the ‘ Plaintiff, that the ſame Plaintiff ſhall not be non-‘ ſuited.’

Br. Nonſuit, 6. Fitz. Nonſuit, 6, 12, 13, 15. 1 Inſt. 139. b.

CAP. VIII.

The Fee of the Cyrographer of the Common Pleas for a Fine levied.

ITEM ſur la grevouſe compleinte faite a noſtre Seignur le Roy par les communes en ceſt parlement coment loffice de cirograſer en le commune Bank le Roi eſt leſſez a ferme a quel office appurtient pur les feſance & eſcripture de cheſcun fyn leve en le dit Bank quatre ſouldz & nient plus & nounobſtant cel fee les fermers de meſme loffice ne veullent deliverer nul fyn a nully ſanz leur doner autres quatre ſouldz ou plus par extortion a grant damage & empoveriſſement de tout le poeple Noſtre Seignur le Roy veullant celle partie purvoir de remede de ladvis & aſſent des Seignurs eſpirituelx & temporelx & a la ſupplication des ditz Communes ad ordeignez & eſtabliz qe le cirograſer ne ſon fermer lieutenant ou deputee pur le temps eſteant deſorenavant ne preigne pluis qe quatre ſouldz pur nul fyn leve en la court. Et ſi le dit fermer lieutenant ou deputee preigne pluis qe quatre ſouldz pur un fyn come deſſuis eſt dit qil perde ſon office & ſoit forjuggiez la court & eit empriſonement par un an & paie a la partie greve ſes trebles damages & ait la partie grevee ſa ſuite devant les Juſtices du dit bank.

“ ITEM, Upon the grievous Complaint made to “ our Lord the King by the Commons in this preſent Parliament, how that the Office of the Cirographer in the common Bench of the King is let to farm, to which Office appertaineth, for making and writing of every Fine levied in the ſaid Bench, four Shillings, and no more; and notwithſtanding the ſame Fee, the Farmers of the ſame Office will deliver no Fine to any without giving to them other four Shillings, or more by Extorſion, to the great “ Damage and Impoveriſhment of all the King’s liege “ People;” ‘ our Lord the King willing in this ‘ Behalf to provide Remedy, by the Advice and Aſſent ‘ of the Lords Spiritual and Temporal, and at the ‘ Supplication of the ſaid Commons, hath ordained ‘ and eſtabliſhed, That the Cirographer, nor his Farmer, Deputy, or Lieutenant for the time being, ſhall ‘ from henceforth take any more than four Shillings for ‘ any Fine levied in the Court. And if the ſaid ‘ Farmer, Lieutenant, or Deputy, take any more than ‘ four Shillings for a Fine, as before is ſaid, he ſhall ‘ loſe his Office, and be forejudged the Court, and ‘ have one Year’s Impriſonment, and pay to the Party ‘ grieved his treble Damages; and the Party grieved ‘ ſhall have his Suit before the Juſtices of the ſaid ‘ Bench.’

The Penalty if the Cyrographer takes more than his Fee.

13 Ed. 1. ſtat. 1. c. 44.

CAP. IX.

Such as were Commiſſioners in the Time of King RICH. 2. and ſpoiled thereof, or that delivered the ſame, ſhall be diſcharged by their Oaths. EXP.

CAP. X.

The Fee of the Clerk of the Crown of the King’s Bench for Indictments.

ITEM por ce qe pleinte eſt faite a noſtre dit Seignur le Roy par les ditz Communes coment le clere del corone du bank du Roy la ou vint

“ ITEM, Becauſe that Complaint is made to our “ ſaid Lord the King by the ſaid Commons, how the “ Clerk of the Crown of the King’s Bench, whereas

4 Inſt. 74.

" fourſcore or an hundred Men be indicted of one Felony, or of one Treſpaſs, and all they plead to an Iſſue as Not guilty, the ſaid Clerk ought not to take for the *Venire facias*, nor for entering of the Plea, more than ii s. the ſaid Clerk doth take for every ſuch Name by Extorſion ii s. in great Oppreſſion of the People;" ' our ſaid Lord the King, willing ' to preſerve his ſaid People from ſuch Extorſions and ' Injuries, by the Aſſent of the ſaid Lords Spiritual ' and Temporal, and at the Suit of the ſaid Commons, ' hath ordained and eſtabliſhed, That the ſaid Clerk of ' the Crown ſhall take no more than hath been duly ' uſed of old Times. And moreover our ſaid Lord ' the King hath charged the Juſtices of the King's ' Bench, that no Extorſion be done in this Behalf in ' the Bench aforeſaid.'

Ex Rot. in Turr. Lond.

quarant ou cent hommes ſont enditez dune felonie ou dune treſpas & toutz ceux pledent a iſſue come de rien coupable le dit clerc ne deuſt prendre pur le Venire facias ne pur lentree du plee pluis qe deux ſouldz meſme le clerc prent pur cheſcun tiel noun par extorſion deux ſouldz en graund oppreſſiondu poeple Noſtre dit Seignur le Roy veullant ſauver ſon dit poeple des tielx extorſions & injuries de ladvis & aſſent des ditz Seignurs eſpirituelx & temporelx & a la prier des Communes ſuiſditz ad ordeignez & eſtabliz qe le dit clerc del corone ne preigne pluis qe nad eſtee duement uſee dauncien temps. Et outre ceo meſme noſtre Seignur le Roy ad chargiez les Juſtices de bank de Roy qe null extorſion ſoit faite celle partie en le bank ſuiſdit.

CAP. XI.

A Remedy for him who is wrongfully purſued in the Court of Admiralty.

1 Roll. 80, 203. 13 Co. 52. The Statute of 13 R. 2. ſtat. 1. c. 5. confirmed, touching the Admiral's Juriſdiction. 15 *R.* 2. *c.* 3.

" ITEM, Whereas in the Statute made at *Weſtmin-*
" *ſter* the thirteenth Year of the ſaid King RICHARD,
" amongſt other Things it is contained, That the
" Admirals and their Deputies ſhall not intermeddle
" from thenceforth of any Thing done within the
" Realm, but only of a Thing done upon the Sea,
" according as it hath been duly uſed in the Time of
" the noble King EDWARD, Grandfather to the ſaid
" King RICHARD;" ' our ſaid Lord the King ' will and granteth, That the ſaid Statute be firmly ' holden and kept, and put in due Execution. ' And moreover, the ſame our Lord the King, by the ' Advice and Aſſent of the Lords Spiritual and Tem- ' poral, and at the Prayer of the ſaid Commons, hath ' ordained and ſtabliſhed, That as touching a Pain to ' be ſet upon the Admiral, or his Lieutenant, that the ' Statute and the Common Law be holden againſt ' them; and that he that feeleth himſelf grieved ' againſt the Form of the ſaid Statute, ſhall have his ' Action by Writ grounded upon the Caſe againſt him ' that doth ſo purſue in the Admiral's Court; and ' recover his double Damages againſt the Purſuant; ' and the ſame Purſuant ſhall incur the Pain of ten ' Pounds to the King for the Purſuit ſo made, if he be ' attainted.'

5 Co. 106. Dyer 159. 19 H. 6. f. 7. Cro. Car. 296. 603. 4 Mod. 176. 1 Salk. 31. Raſt. 23.

ITEM come en leſtatut fait a Weſtm' lan treſziſme le dit Roy RICHARD entre autres choſes ſoit contenuz qe les admiralx & leur deputees ne ſoy medlent deſlors enavant de nulle choſe faite deinz le Roialme mais ſoulement de choſe faite ſur la meer ſolonc ce qad eſte duement uſez en temps de noble Roy EDWARD Aiel le dit Roy RICHARD noſtre dit Seignur le Roy voet & grante qe le dit eſtatut ſoit fermement tenuz & gardez & mys en due execution. Et outre ce meſme noſtre Seignur le Roy de ladvis & aſſent des Seignurs eſpirituelx & temporelx & al prier des ditz Communes ad ordeignez & eſtabliz qe quant a peine mettre ſur ladmirall ou ſon lieutenant qe leſtatut & la commune loye ſoient tenuz devers eux & qe celuy qi ſoy ſent greve encontre la fourme du dit eſtatut ait faction par brief foundu ſur le cas envers celuy qenſi purſue en la courte de ladmiraltee & recoevre ſes damages devers meſme le purſuant au double & encourge meſme le purſuant la peine de xl. envers le Roy pur la purſuite enſi faite ſil ſoit atteint.

CAP. XII.

Rep. 21 Jac. 1. c. 28.

Certain Reſtraints laid on wholly born *Welſhmen*.

CAP. XIII.

EXP.

The Effect of the Pardon granted by Stat. 21 *R.* 2. *c.* 15. rehearſed and confirmed, notwithſtanding the Reſidue of the ſaid Parliament is repealed.

CAP. XIV.

Enforced by 20 H. 6. c. 8. O B. 12 Car. 2. c. 24.

Purveyance for the King's Houſe of 40 *s.* or under, ſhall be preſently paid for.

CAP. XV.

Rep. 25 H. 8. c. 14. 1 Ed. 6. c. 12. 1 Eliz. c. 1. 10 H. 7. f. 17.

The Orthodoxy of the Faith of the Church of *England* aſſerted, and Proviſion made againſt the Oppugners of the ſame, with the Puniſhment of Hereticks.

Fitz. N. B. 269. D. Raſt. 319. Bro. Hereſy, 1. 29 Car. 2. c. 9.

CAP

CAP. XVI.

In Turr. Lond.

If *Welſhmen* do not reſtore to *Engliſhmen* the Diſtreſſes taken by them within ſeven Days, *Engliſhmen* may return the like Meaſure to them. Rep. 21 Jac. 1. c. 28.

CAP. XVII.

If a *Welſhman* commit a Felony in *England*, and thereof is attainted, and after flieth into *Wales*, upon Certificate of the King's Juſtices he ſhall be executed. Rep. 21 Jac. 1. c. 28.

CAP. XVIII.

Lords Marchers in *Wales* ſhall keep ſufficient Guards in their Caſtles. Rep. 21 Jac. 1. c. 28.

CAP. XIX.

No *Engliſhman* ſhall be condemned at the Suit of a *Welſhman* in *Wales*, but only by *Engliſh* Juſtices, or *Engliſh* Burgeſſes. EXP.

CAP. XX.

No *Welſhman* ſhall purchaſe Land in *England*, nor in the *Engliſh* Towns in *Wales*. Rep. 21 Jac. 1. c. 28.

CAP. XXI.

No Lord ſhall give any Livery or Sign to any Knight, Eſquire, or Yeoman. 1 O B. 3 Car. 1. c. 4.

See 8 Ed. 4. c. 2. *for Liveries of Company, which is repealed alſo by* 3 *Car.* 1. c. 4.

CAP. XXII.

Suits may be proſecuted againſt certain Perſons meant to be protected by the Statute of 11 RICH. 2. *cap.* 1 & 2. EXP.

CAP. XXIII.

The Fees of the Marſhal of the Marſhalſea of the King's Houſe.

ITEM pur ce qe le Mareſchall de la Mareſchalcie del Courte de louſtell noſtre Seignur le Roy en temps de Roy EDWARD Aiel noſtre Seignur le Roy qoreſt & devant ſoloit prendre les fees qenſuent ceſtaſſavoir de cheſcun qi vient par Capias a dite Courte iiijd. & ſil ſoit leſſe a meynepriſe tanqa ſon jour iid. outre & de cheſcun qeſt emplede de treſpas & trove deux mainparnours pur garder ſes jours tanqe a fyn de plee de prendre pur celle cauſe de defendant iid. de cheſcun commys a priſone par juggement de Seneſchall en queconqe manere qe ceo ſoit iiijd. de cheſcun deliveree de felonie iiijd. de cheſcun felon leſſe mavnpriſe par la Courte iiijd. queux fees ſoloient eſtre priſes & paiez en pleine Courte come le Roy ad bien entenduz par la compleinte des dites Communes en fait en ceſt parlement meſme noſtre Seignur le Roy pu ouſter toutes dureſſes & oppreſſions affairs a ſon poeple encontre les bons uſages & cuſtumes faitz & uſez en temps de ſes progenitours de ladvis & aſſent des Seignurs eſpirituelx & temporelx & a la ſupplication des dites communes ad ordeignez & eſtabliz qe ſi le dit Mareſchall ou ſes miniſtres deſoutz luy preigne ou preignant autres fees qe deſuis ſont declarez qe meſme le Mareſchal & cheſcun de ſes ditz miniſtres perde & perdent lour offices & paie ou paient trebles damages a partie grevee & qe la partie grevée ait ſa ſeute devant le Seneſchall du dite Courte pur le temps eſteant.

"ITEM, Whereas the Marſhal of the Marſhalſea of the Court of our Lord the King's Houſe, in the Time of King EDWARD, Grandfather of our Lord the King that now is, and before, was wont to take the Fees which do hereafter follow; that is to ſay, Of every Perſon that cometh by *Capias* to the ſaid Court, Four Pence; and if he be let to Mainpriſe till his Day, Two Pence more; and of every Perſon which is impleaded of Treſpaſs, and findeth two Mainpernors to keep his Day till the End of the Plea, to take for that Cauſe Two Pence of the Defendant; and of every Perſon committed to Priſon by Judgment of the Steward, in whatſoever Manner the ſame be, Four Pence; of every Perſon delivered of Felony, and of every Felon let to Mainpriſe by the Court, Four Pence; which Fees were wont to be taken and paid in full Court, as the King hath well perceived by the Complaint of the ſaid Commons thereof made in the ſaid Parliament:" 'The ſame our Lord the King to avoid all ſuch Wrongs and Oppreſſions to be done to his People, againſt the good Cuſtoms and Uſages made and uſed in the Time of his Progenitors, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the Supplication of the ſaid Commons, hath ordained and ſtabliſhed, That if the ſaid Marſhal, or his Officers under him, take other Fees than above are declared, that the ſaid Marſhal, and every of his ſaid Officers, ſhall loſe their Offices, and pay treble Damages to the Party grieved, and that the Party grieved have his Suit before the Steward of the ſaid Court for the time being. 4 Inſt. 131. The Penalty on the Marſhal for taking more than his lawful Fees.

II. Alſo

The Fees of a Servitor of Bills, and the Penalty if he take more.

'II. Alſo it is ordained and eſtabliſhed, That no Servitor of Bills that beareth a Staff of the ſame Court, ſhall take for every Mile from the ſame Court to the ſame Place where he ſhall do his Service, any more than *i d.* and ſo for 12 Miles *xii d.* And for to ſerve a *Venire facias xii homines, &c.* or a *Diſtringas* out of the ſame Court, the double: And if any of the ſaid Servitors of Bills do the contrary, he ſhall be puniſhed by Impriſonment, and make a Fine to the King after the Diſcretion of the Steward of the ſame Court, and alſo be forejudged the Court. And the ſame Steward ſhall have Power to make Proclamation at the coming of the ſaid Court in every Country, from time to time, of all the Articles aforeſaid, and thereof to execute Puniſhment as afore is ſaid.'

9 R. 2. c. 5.

Ex Rot. in Turr. Lond.

Et auxint ordeignez eſt & eſtabliz qe null ſervitour des billes qi porte baſton de meſme la Courte ne preigne pur cheſcune leuk del Courte tanqual lieu ou il fra ſon office pluis qun denier & enſi pur xii. leukes xij. deniers & pur ſervire venire facias xij. homines &c. ou diſtr' hors de meſme la Courte la double & ſi aſcun des ditz ſervitours des billes face a contraire qil ſoit puniz par impriſonement & face fyn au Roy ſelonc la diſcretion de Seneſchall de meſme la Courte & ſoit forjugge la Courte. Et eit meſme le Seneſchall poair de faire proclamation al venue de dite Courte en cheſcun paiis de temps en temps de toutz les articles avauntditz & dent faire puniſſement come deſuis eſt dit.

CAP. XXIV.

EXP. Proceſs againſt thoſe that were with the Duke of *York*, 23 RICH. 2. for their Wages then received ſhall be diſcharged.

Statutes made at Weſtminſter, Anno 4 HEN. IV. *and* Anno Dom. 1402.

"TO the Honour of God and holy Church, and for the common Wealth and Profit of all the Realm of *England*, our Lord the King, by the Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Inſtance and Requeſt of the Commons, aſſembled at the Parliament holden at *Weſtminſter* the Morrow after the Feaſt of St. *Michael*, the fourth Year of his Reign, hath ordained and ſtabliſhed certain Statutes and Ordinances by the Manner as followeth."

Ex Rot. in Turr. Lond. *m.* 16.

AL honour de Dieux & de ſeinte eſgliſe & pur les commune bien & profit de tout le Roialme dEngleterre Noſtre Seignur le Roy de laſſent des Seignurs eſpirituelx & temporelx & a les eſpecialx inſtance & requeſt des communes aſſemblez au parlement tenuz a Weſtm' lendemayn de Seint Michael lan de ſon regne quart ad ordeignez & eſtabliz certeins eſtatutz & ordinances par manere qenſeute.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Corporations and Perſons.

'FIRST, That holy Church have all her Liberties and Franchiſes; and that the Lords Spiritual and Temporal, and all the Cities, Boroughs, and Towns franchiſed, have and enjoy all their Liberties and Franchiſes, which they have had of the Grant of the Progenitors of our ſaid Lord the King, Kings of *England*, and of the Confirmation of the ſame our Lord the King; and that the Great Charter, and the Charter of the Foreſt, and all the good Ordinances and Statutes made in the Time of our ſaid Lord the King, and in the Time of his Progenitors, not repealed, be firmly holden and kept.'

PRimerement qe ſeinte eſgliſe ait toutes ſes libertees & franchiſes & qe toutz les Seignurs eſpirituelx & temporelx & toutz les citees burghs & villes enfranchiſes aient & enjoient toutes leur libertees & franchiſes queux ils ont de grante des progenitours noſtre dit Seignur le Roy Roys dEngleterre & de confirmation meſme noſtre Seignur le Roy & qe la Grande Chartre & la Chartre de la Foreſte & toutz les bons ordinances & eſtatutz faitz en temps noſtre dit Seignur le Roy & en temps de ſes ditz progenitours nient repellez ſoient fermement tenuz & gardez.

CAP. II.

The Words *Inſidiatores viarum, &c.* ſhall not be put in any Indictments, *&c.*

3 Inſt. 204. A Confirmation of the Statute made 25 Ed. 3. de Clero.

'ITEM, Our ſaid Lord the King having in Remembrance the faithful Hearts and the inward Affection that the Clergy of *England* hath borne to him, and alſo the great Charges which the ſame

ITEM noſtre dit Seignur le Roy aiant en memoire les entiers coers & les grandes natureſſes queux le clergie dEngleterre luy ad monſtrez & auxi les grandes charges queux meſme le clergie

Ex Rot. in Turr. Lond.

ad eue & ſuſtenu pur ſon honour & profit puis les temps de ſon coronement & pur tant leur veullant monſtrer graciouſe Seignourie en leur affairs de laſſent des ditz Seignurs & a les eſpecialx prier & requeſt des ditz communes voet & grante qe les eſtatutz faitz lan vint & quint le Roy EDWARD Aiel noſtre dit Seignur le Roy touchant le clergie dEngleterre ſoient entierment tenuz & gardez & mys en due execution.

Et en outre meſme noſtre Seignur le Roy conſiderant qe les parols & termes ceſtaſſavoir Inſidiatores viarum & depopulatores agrorum compriſes en la petition a luy baillez en ceſt parlement par le clergie dEngleterre nont eſte communement uſez en enditementz arrettementz nen autres empeſchementz en temps de ſon dit Aiel nen temps de ſes autres nobles progenitours. Et veullantz par tant ouſtier tielles novelleries pur la greindre quiete & ſeurtee de ſon poeple de laſſent des Seignurs & communes de meſme le parlement Voet & grante & ad ordeigne & eſtablie qe les ſuiſditz parols & termes ne ſoient deſore enavaunt uſez ne myſes en enditementz arretementz appelles nen autres empeſchementz quielxconqes Ne qe par force de null tiel parol ne terme aſcun clerc ſeculer ou religious ne aſcun autre perſone liege noſtre Seignur le Roy ſoit deſore enavaunt areinez appellez empeſchez ne moleſtez devaunt aſcun jugge ſeculer mes voet bien noſtre dit Seignur le Roy qe ſes Juſtices prendre & receivre purront devaunt eux enditementz arrettementz & appelles de felonies en ſoy portant leffect des ſuiſditz parols & termes ſi aucuns des tielles felonies ſerront deſore enditez rettez ou appellez. Et ſi par cas en temps avenir aſcuns clercs ſeculers ou religious ſoient ou ſerront enditez rettez ou appellez & leurs enditementz arrettementz ou appelez portent leffect des ditz parols ceſtaſſavoir Inſidiatores viarum & depopulatores agrorum ou autres parols portantz effect ſemblable nientmeyns eient tielx clercs & enjoient le privilege de ſeinte eſgliſe & ſoient liverez as ordinairs eux demandantz ou a lour deputez ſanz nul empeſchement ou delaie.

'Clergy hath had and ſuſtained for his Honour and 'Profit after the Time of his Coronation, and therefore willing to be a gracious Lord to them in their 'Affairs, by the Aſſent of the ſaid Lords, at the ſpecial Suit and Requeſt of the ſaid Commons, will and 'granteth, That the Statutes made the five and twentieth Year of King EDWARD, Grandfather to our 'Lord the King that now is, touching the Clergy of *England*, be entirely holden and kept, and put in 'due Execution.

'II. And moreover the ſame our Lord the King, 'conſidering that the Words and Terms (that is to 'ſay) *Inſidiatores viarum, & depopulatores agrorum*, 'compriſed in the Petition delivered to him in this 'Parliament by the Clergy of *England*, have not been 'commonly uſed in Indictments, Arraignments, Appeals, nor in other Impeachments in the Time of his 'ſaid Grandfather, nor in the Time of his other Progenitors, and willing therefore to avoid ſuch Novelties, for the great Quiet and Surety of his People, by the Aſſent of the Lords and Commons of the ſame Parliament, will and granteth, and hath ordained and 'eſtabliſhed, That the ſaid Words and Terms ſhall 'not be from henceforth uſed, nor put in Indictments, 'Arraignments, Appeals, or any other Impeachments; 'nor that by Force of any ſuch Word or Term, 'any Clerk religious or ſecular, nor any other of the 'King's liege People, ſhall be from henceforth arraigned, appealed, impeached, or grieved before 'any ſecular Judge; but our Lord the King doth 'will, That the Juſtices may take and receive before 'them Indictments, Arraignments, and Appeals of 'Felonies, containing in them the Effect of the ſaid 'Words and Terms, if any Perſon of ſuch Felonies 'ſhall hereafter be indicted, arraigned, or appealed. 'And if percaſe it chance in Time to come any 'Clerks, religious or ſecular, ſhall be indicted, arraigned, or appealed, and their Indictments, Arraignments, or Appeals, do comprehend the Effect 'of the ſaid Words, *Inſidiatores viarum*, and *depopulatores agrorum*, or other Words purporting the like 'Effect; yet nevertheleſs ſuch Clerks ſhall have and 'enjoy the Privilege of holy Church, and ſhall be delivered to the Ordinaires them demanding, or their 'Deputies, without any Impeachment, or any Delay.'

The Words *Inſidiatores viarum & depopulatores agrorum*, ſhall not be put in Indictments or Appeal. 3 Inſt. 41.

Clerks ſhall be allowed their Clergy notwithſtanding an Indictment hath the Words aforeſaid. Hobart 288.

CAP. III.

A Confirmation of the Liberties of the Church and Clergy. A Clerk convict for Treaſon, or being a common Thief, ſhall not make his Purgation. OB.

CAP. IV.

The King will grant no Lands, &c. but to ſuch as ſhall deſerve them. The Puniſhment of thoſe who ſhall make any Demand without Deſert. EXPL.

CAP. V.

Every Sheriff ſhall in Perſon continue in his Bailiwick, and ſhall not let it.

ITEM ordeignez eſt & aſſentuz qe cheſcun viſcont dEngleterre ſoit demurrant en propre perſone deinz ſa baillie pur le temps qil ſerra tiel officer & qil ne leiſſe ſa dite baillie a ferme a nully par le temps qil occupiera cel office. Et qa ce faire ſoit tiel viſcont jurrez de temps en temps en eſpeciale entre les autres articles compriſes en le ſerement de viſcont.

'ITEM, It is ordained and aſſented, That every Sheriff of *England* ſhall abide in proper Perſon within his Bailiwick, for the Time that he ſhall be ſuch 'Officer; and that he ſhall not let the ſaid Bailiwick to farm to any Man, for the Time that he occupieth ſuch 'Office; and that the ſaid Sheriff be ſworn from 'Time to Time to do the ſame in ſpecial, amongſt 'other Articles compriſed in the Oath of the Sheriff.

Enforced by 23 H. 6. c. 9.

CAP.

CAP. VI.

In Turr. Lond.

Repealed 5 & 6 Ed. 6. c. 6. s. 39.

A Seal of Lead ſhall be provided to ſeal Cloths wrought in *London* and the Suburbs.

CAP. VII.

The Diſſeiſee ſhall have an Aſſiſe againſt the Diſſeiſor taking the Profits.

1 R. 2. c. 9.

"ITEM, Whereas in the Statute made the firſt Year of King RICHARD II. it was ordained, "That where ſeveral Perſons did diſſeiſe other of their "Freehold, and made Foeffment to divers People, as "well to have Maintenance, as alſo to make the Diſ-"ſeiſees to be ignorant, againſt whom they ought to "take their Writ; that the Diſſeiſees in ſuch Caſe "might take their Writ againſt them which thereof "ſhall take the Profits, ſo that the Diſſeiſees commence "their Suit within the Year next after the Diſſeiſin; "and the ſame Ordinance ſhould hold Place in "every other Action or Plea where ſuch Foeffments "be made by Fraud or Colluſion, to have their Re-"covery againſt ſuch Foeffers, if they thereof take the "Profits:" 'Our ſaid Lord the King thinking the 'ſaid Statute to be very miſchievous and prejudicial 'to his People, becauſe of the Shortneſs of the Time, 'by the Aſſent of the ſaid Lords, and at the Requeſt 'of the Commons aforeſaid, hath ordained and ſtab-'liſhed, That ſuch Diſſeiſees ſhall have their Action 'againſt the firſt Diſſeiſor, during the Life of the 'ſame Diſſeiſor, ſo that ſuch Diſſeiſor thereof take 'the Profits at the Time of the Suit commenced. 'And as to other Writs in Plea of Land, the De-'mandant ſhall commence his Suit within the Year 'againſt him which is Tenant of the Freehold at the 'Time of the Action accrued to him, ſo that ſuch 'Tenant thereof take the Profits at the Time of ſuch 'Suit commenced, notwithſtanding the ſaid Statute.'

Explained by 11 H. 6. c. 3.

Altered by 1 H. 7. c. 1. 4 H. 7. c. 4. 32 H. 8. c. 10.

ITEM come en leſtatut fait lan primer le Roy RICHARD ſecond ordeignez eſtoit qe la ou de-verſes gentz diſſeiſent autres de lour frank tenement & ſount feffement as diverſes gentz pur mainte-nance avoir ſibien come pur faire les diſſeiſez avoir meſconiſance vers queux eux duiſſent lour brief prendre qe les diſſeiſez en tiel cas puiſſent lour brief prendre vers ceux, qi ent priegnent les profitz pa-riſſint qe les diſſeiſis comencent leurs ſuites deinz lan proſchein apres le diſſeiſyne & qe meſme lordinance tiegne lieu en cheſcun autre action en plee ou tieux feffementz ſont faitz par fraude ou colluſion davoir lour recoverer vers tieux feffours ſi eux ent priegnent les profitz noſtre dit Seignur le Roy en-tendant le dit eſtatut eſtre molt meſchevous & damageous a ſon poeple a cauſe de briefte de temps de laſſent des ditz Seignurs & a la requeſt des com-munes ſuiſditz ad ordeignez & eſtabliz qe tielx diſſeiſiz aient leur action devers le primer diſſeiſour durante la vie meſme la diſſeiſour parenſi qe tiel diſſeiſour ent priegne les profitz au temps de la ſuyte comencee. Et quant as autres briefs en plee de terre comence le demandant ſa ſeute deinz lan devers celuy qeſt tenant de frank tenement a temps de laction a luy accrue parenſi qe tiel tenant ent preigne les profitz a temps de tiele ſeute co-mencenon obſtant leſtatut avauntdit.

CAP. VIII.

In what Caſes a ſpecial Aſſiſe is maintainable againſt a Diſſeiſor with Force.

"ITEM, Becauſe daily the great Perſons of the "Realm do make forcible Entries into other Mens "Lands, and put out the Poſſeſſors of the ſame, claim-"ing ſometime in their own Right, where their En-"try is not lawful, and ſometime in another's Right, "where they have nothing in Reverſion, in Right, "nor in Demean, nor is there any Affinity or Cou-"ſinage betwixt them and thoſe in whoſe Right they "have entered, and alſo take their Goods and Chat-"tles in Manner of Robbery, ſo that oftentimes they "be in ſuch Manner put out, and of their Goods and "Chattles ſpoiled, that they have nothing to purſue "for their Right, and ſo by ſuch forcible Entries and "Maintenance, the Land-Tenants and Poſſeſſors be "utterly diſherited and undone;" 'our Lord the 'King willing to do equal Right to all his liege Peo-'ple, as well the ſmall as the great, and that his Laws 'be duly executed, at the grievous Complaint of the 'ſaid Commons, and by the Advice and Aſſent of all 'the Lords aforeſaid, for to puniſh and chaſtiſe ſuch 'Riots and forcible Entries ſo made, and hereafter to 'be made, againſt the Laws of the Land, hath or-'dained and eſtabliſhed, That if any Man, great or 'ſmall, of what Eſtate or Condition that he be, make

ITEM por ce qe qe de jour en autre les grantz perſones de Roialme font forcibles entrees en autry terres & les poſſeſſours ent ouſtent enclay-mant aucun foitz en lour droit demeſne la ou lour entree neſt my congeable & aſcun foitz en autry droit la ou ils nont riens en reverſion en droit nen deſmeſne ne il nad null affinite ne coſinage entre eux & ceux en qi droit ils ount entrez & auxi lour biens & chateux preignont en manere de roberie iſſint ſovent foitz ils ſont en tiel manere ouſtez & de lour biens & chateux deſpoilliez qils nount riens pur lour droit purſuir & iſſint par tieux forcibles entrees & maintenance les terre tenantz & poſſeſ-ſours ſont toutoutrement deſheriteez & deſtruitz Noſtre dit Seignur le Roy veullant faire ovel droit as touz ſes lieges ſibien greindres come meindres & qe ſes loies ſoient duement executz a la grevouſe compleinte des ditz communes & de ladvis & aſſent des toutz les Seignurs ſuiſditz pur punir & chaſtier tielx riotes & forcibles entrees enſi faitz & affairs en temps avenir encontre les loyes de la terre ad ordeignez & eſtabliz qe ſi aſcun homme grant ou petit de quell eſtat ou condition qil ſoit face aſcun

tiel

Ex Rot. in Turr. Lond.

tiel forcible entree en ſon droit demeſne ou a ſon oeps propre ou en autry droit au autry oeps par voie de maintenance ou aucuns bien apres tiel forcible entree de les poſſeſſours de franc tenement preigne ou emporte qe ſi la partie grevee ou autre loial homme voet affier en ſon noun qe lentree feuſt fait en tiel forcible manere qe le Chanceller dEngleterre pur le temps eſteant ait poair par ſa diſcretion de grantier eſpeciale aſſiſe en ce cas a la partie grevee de qeconqe value qe les tenementz ſoient ſanz ſuir au Roy. Et ſi tiel diſſeiſour ſoit atteint del diſſeiſine fait en tiel forcible manere qil eit la priſone dun an & rende al partie grevee ſes damages a double. Et ſil ſoit convict par meſme laſſiſe qil ait pris ou emporte aucuns biens ou chateux de tieux diſſeiſiz qe les Juſtices de meſme laſſiſe eient poair doier & terminer ſibien pur noſtre Seignur le Roy come pur la partie des biens & chateux iſſint emportez & de agarder al partie grevee ſes damages. Et qe en cheſcune tiele aſſiſe eſpeciale ſoit nomez un des Juſtices de lun bank ou de lautre ou le chief Baron de leſchequer ſil ſoit homme de loye. Et qen temps advenir nul brief de ſuperſedeas ſoit grantez a contraire de tiele aſſiſe eſpeciale.

‘ any ſuch forcible Entry in his own Right, or to his ‘ own Uſe, or in another's Right to another's Uſe by ‘ Way of Maintenance, or take or carry away any ‘ Goods after ſuch forcible Entry from the Poſſeſſor ‘ of the Freehold, that if the Party grieved, or other ‘ lawful Man, will make Affiance in his Name, that ‘ the Entry was made in ſuch forcible Manner, that ‘ the Chancellor of *England* for the Time being ſhall ‘ have Power, by his Diſcretion, to grant a ſpecial ‘ Aſſiſe in this Caſe to the Party grieved, of whatſo- ‘ ever Value the Tenements be, without ſuing to the ‘ King. And if ſuch Diſſeiſor be attainted of ſuch ‘ Diſſeiſin made in ſuch forcible Manner, he ſhall ‘ have one Year's Impriſonment, and yield to the ‘ Party grieved his double Damages; and if he be ‘ convict by the ſame Aſſiſe, that he hath taken or ‘ carried away any Goods or Chattles of ſuch Diſſei- ‘ ſees, the Juſtices of Aſſiſe ſhall have Power to hear ‘ and determine, as well for our Lord the King, as for ‘ the Party, of the Goods and Chattles ſo carried ‘ away, and to award to the Party grieved his Da- ‘ mages; and that in every ſuch ſpecial Aſſiſe be ‘ named one of the Juſtices of the one Bench or of the ‘ other, or the chief Baron of the Exchequer, if he ‘ be a Man of the Law. And that hereafter no Writ ‘ of *Superſedeas* be granted to the contrary of ſuch ‘ ſpecial Aſſiſes.’

The Penalty for carrying away the Diſſeiſee's Goods or Chattels. 5 R. 2. ſtat. 1. c. 8.

15 R. 2. c. 2. *Enforced by* 8 H. 6. c. 9. *Which is explained by* 31 El. c. 11. *See farther* 23 H. 8. c. 14. & 21 Jac. 1. c. 15.

whereby Juſtices are enabled to give Reſtitution in certain Caſes.

CAP. IX.

A Remedy to diſcharge Commiſſioners diſtrained to return Commiſſions.

ITEM por ce qe pleuſures commiſſions ſont faitz en la Chancellerie directes as diverſes perſones du Roialme aucun foitz pur enquer & certifier aſcun foitz denquere oier & terminer & aſcun foitz de ſeiſer terres tenementz biens & chateux les quelles commiſſions unqes naviendront as mains des ditz commiſſioners ſur quoy briefs iſſent del Eſcheqer noſtre Seignur le Roy pur deſtreindre les ditz commiſſioners lour executors heirs & terres tenantz aſcun foitz de rende les eſtretes fines iſſues & amercimentz qapertient a noſtre dit Seignur le Roy par cauſe des ditz commiſſions aſcun foitz de certifier ceo qeſt trove devaunt eux par enqueſt & aſcun foitz dacompter de certeins choſes contenuz es ditz commiſſions a graunt damage & diſeaſe des pluſeurs liges noſtre dit Seignur le Roy Meſme noſtre Seignur le Roy pur eaſe & quiete de ſon poeple veullant en ce cas purvoir de remede de laſſent avauntdit voet & ad ordeignez & eſtabliz qe le Chanceller dEngleterre pur le temps eſteant uſe ſon poair come il ad fait devaunt ces heures en ce cas. Et es autres caſes ait meſme le Chanceller poair par auctoritee du parlement appellez a luy tielx Juſtices come luy plerra ou le chief Baron de leſcheqer ſil emboſoignera de purvoir de remede de temps en temps ſelonc leur diſcretion.

“ ITEM, Becauſe that many Commiſſions be made “ in the Chancery, directed to divers Perſons of “ the Realm, ſometime to inquire and certify, ſome- “ time to inquire, hear, and determine, and ſome- “ time to ſeize Lands and Tenements, Goods and “ Chattles, which Commiſſions never came to the “ Hands of the ſaid Commiſſioners, whereupon Writs “ iſſued out of the Exchequer of our Lord the King “ to diſtrain ſuch Commiſſioners, their Executors “ Heirs, and Land-Tenants, ſometime to yield the “ Eſtreats of the Fines, Iſſues, and Amerciaments, “ which pertain to our Lord the King becauſe of “ the ſaid Commiſſions, ſometime to certify that which “ is found before them by Inqueſt, and ſometime to “ account of certain Things contained in the ſaid “ Commiſſions, to the great Damage and Diſquiet- “ neſs of many of the King's liege People :” ‘ The ‘ ſame our Lord the King, for the Eaſe and Quietneſs ‘ of his People, willing in this Caſe to provide Remedy, ‘ by the Aſſent aforeſaid doth will, and hath ordained ‘ and ſtabliſhed, That the Chancellor of *England* for ‘ the Time being ſhall uſe his Power as he hath done ‘ before this Time in this Caſe; and in other Caſes, ‘ the ſame Chancellor ſhall have Power by Autho- ‘ rity of Parliament (calling to him ſuch Juſtices as ‘ ſhall pleaſe him, or the chief Baron of the Exche- ‘ quer, if need be) to provide Remedy from time to ‘ time by their Diſcretion.’

By 7 H. 4. c. 11. *Commiſſioners not receiving Commiſſions ſhall be diſcharged by Oath.*

CAP. X.

The third Part of the Silver brought to the Bullion, ſhall be coined in Half-pence and Farthings.

CAP. XI.

Commiſſions ſhall be awarded to Juſtices, &c. to inquire of Wears, Kidels, &c.

25 Ed. 3. ſtat. 4. c. 4. 45 Ed. 3. c. 2. 1 H. 4. c. 12.

Farther provided for by 9 *H.* 6. *c.* 9. *and* 12 *Ed.* 4. *c.* 7. *which inflicts Penalty on Offenders. See farther Index, tit.* Weirs.

"ITEM, Becauſe that by Wears, Stakes, and Kidels, being in the Water of *Thames*, and of other great Rivers through the Realm, the common Paſſage of Ships and Boats is diſturbed, and much People periſhed, and alſo the young Fry of Fiſh deſtroyed, and againſt Reaſon waſted and given to Swine to eat, contrary to the Pleaſure of God, and to the great Damage of the King and his People;" 'the ſame our Lord the King intending to provide a due 'Remedy for the ſame Miſchiefs, by the Advice and 'Aſſent of the Lords aforeſaid, and at the Requeſt of 'the ſaid Commons, doth will and grant, That the 'Statutes thereof made be holden and kept, and put 'in due Execution; joining to the ſame, That 'Commiſſions be awarded to certain Juſtices and 'others, in every County of the Realm where need 'ſhall be, to inquire of all that which is contained in 'the ſaid Statutes, and to puniſh the Offenders of 'the ſame Statutes by Fine, according to their Diſ-'cretion. Saved always and reſerved to the King our 'Lord, the Penalties compriſed in eſpecial in the ſaid 'Statutes; and that the Eſtreats of ſuch Fines be 'delivered by the ſaid Juſtices to the Sheriff of every 'County by Indenture, and that the ſaid Sheriff pay 'of the Iſſues and Profits riſing of the ſaid Eſtreats, 'to every of the ſaid Juſtices, for every Day that he 'ſhall travel to execute the ſaid Commiſſion, four 'Shillings, and that the ſaid Sheriffs have thereof due 'Allowance from time to time in the *Exchequer*.'

Every Juſtice ſhall have four Shillings a Day for every Day that he doth travel.

Ex Rot. in Turr. Lond.

ITEM porce qe par les gortz eſtakes & kidelx eſteantz en leawe de Thamyſe & es autres grandes rivers parmy le Roialme commune paſſage des niefs & batelx eſt deſtourbez & pleuſeurs gentz periz & auxint le joeſne peſſon deſtruyte & encontre reſon degaſtez & dones as porcs a mangier encontre la pleiſance de Dieu & a grant damage du Roy & de ſon poeple meſme noſtre Seignur le Roy veullant mettre due remede ſur les meſchiefs avauntditz de ladvis & aſſent des Seignurs ſuſditz & a la priere des ditz communes voet & grante qe les eſtatutz ent faitz ſoient tenuz & gardez & mys en due execution adjouſtez a ycelles qe commiſſions ſoient faitz as certeins Juſtices & autres en cheſcun countee du Roialme ou boſoigne ſerra danquerre de tout ce qeſt contenuz en le ditz eſtatutz & de punir les contrariantz meſmes les eſtatutz par fyn ſelonc leur diſcretions. Sauvez & reſervez au Roy noſtre Seignur les peines compriſez en eſpeciale es ditz eſtatutz & qe les extretes des tielx fyns ſoient liverez par les ditz Juſtices as viſcontz en cheſcun countee par endenture Et qe les ditz viſcontz paient des iſſues & profitz ſourdantz des ditz extretes a cheſcun des ditz Juſtices pur cheſcun jour qil travaillera pur exercer la dite commiſſion iiii s. & qe les ditz viſcountz ent aient due allouance de temps en temps en leſcheqer.

CAP. XII.

In Appropriations of Benefices Proviſion ſhall be made for the Poor and the Vicar.

A Confirmation of the Stat. of 15 R. 2 c. 6. touching the Appropriation of Churches. Cro. Jac. 516. 2 Roll. 99, 100.

"ITEM, it is ordained, That the Statute of Appropriation of Churches, and of the Endowment of Vicars in the ſame, made the fifteenth Year of King RICHARD the Second, be firmly holden and kept, and put in due Execution; and if any Church be appropriated by Licence of the ſaid King RICHARD, or of our Lord the King that now is, ſithence the ſaid fifteenth Year, againſt the Form of the ſaid Statute, the ſame ſhall be duly reformed according to the Effect of the ſame Statute, betwixt this and the Feaſt of *Eaſter* next coming. And if ſuch Reformation be not made within the Time aforeſaid, that the Appropriation and Licence thereof be made void, and utterly repealed and adnulled for ever; except the Church of *Hadenham* in the Dioceſe of *Ely*, which, for to eſchew divers Damages, Diſcords, and Debates, that have been before this Time betwixt the Biſhop of *Ely* and the Archdeacon of *Ely*, upon the Exerciſe of their Juriſdiction (as it was openly declared by the ſame Biſhop in Preſence of the King, and of the Lords in Parliament) was of late appropried, by the Licence of the King our Lord, to the Archdeacon and his Succeſſors, to do divine Service, keep Hoſpitality, and to ſupport other Charges as pertaineth. Moreover it is ordained and ſtabliſhed, That all the Vicarages united, annexed, or appropried, and the Licences thereof had after the firſt Year of the ſaid King RICHARD, how well ſoever that they which have united, annexed, or appropried ſuch Vicarages,

The Church of Hadenham, in the Dioceſe of Ely, appropried to the Archdeacon of Ely.

All Appropriations of Vicarages made ſince the firſt Year of R. 2. ſhall be void. Flow. f. 495.

ITEM ordeignez eſt & eſtabliz qe leſtatut de lappropriation des eſgliſes & de lendowement des vicairs en ycelles fait lan quinziſme le Roy RICHARD ſecond ſoit fermement tenuz & gardez & mys en due execution & ſi aſcune eſgliſe ſoit approprie par licence du dit Roy RICHARD ou de Roy noſtre Seignur qoreſt puis le dit an xv^me^ contre le forme du dit eſtatut qe ce ſoit duement refourmez ſelonc leffect de meſme leſtatut parentre cy & la feſt de Paſqe proſchein advenir. Et ſi tiele reformation ne ce face deins le temps ſuiſdit qe les appropriation & licence ent faitz ſoient voidez & de tout repellez & adnullez pur toutz jours forſpris leſgliſe de Hadenham en le diocis dEly la quele pur eſchuire pluſours damages diſcordes & debates qont eſte devant ces heures parentre leveſqe dEly & lercedeaken dEly ſur lexerciſe de lour juriſdiction come y feuſt overtement declarez par meſme leveſqe en preſence de Roy & de Seignurs en parlement nadgairs par licence du Roy noſtre Seignur feuſt appropriez a lercedeaken dEly & ſes ſucceſſours pur y faire divines ſervices hoſpitalite tenir & autres charges ſupporter come affert. Et outre ceo ordeignez eſt & eſtabliz qe toutes les vicaries uniz annexes ou appropriez & les licences ent eyes puis lan primer le dit Roy RICHARD combien qe ceux qont uniz annexez ou appropriez tieux vicaries ſoient en poſſeſſion de meſmes les vicaries

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vicaries ou par vertue des dites licences purront aſcunement eſtre en poſſeſſion dicelles en aſcun temps advenir ſoient auxint detout voidez revokez repelles adnullez & diſappropriez pur toutz jours & qe deſore enavaunt en cheſcune eſgliſe enſi appropriee ou appropriere une ſeculere perſone ſoit ordeigne vikair perpetuel inſtitut & induct canonikement en ycelle & covenablement endowez par la diſcretion del ordinair pur faire divine ſervice & enfourmer le poeple & hoſpitalitee tenir illoeqes forſpris leſgliſe de Hadenham ſuiſdite. Et qe nul religious aſcunement ſoit fait vicair en aſcune eſgliſe enſi appropriee ou appropriere par nulle voie en temps advenir.

'be in poſſeſſion of the ſame Vicarages, or by the Virtue of ſuch Licences may in any wiſe be in poſſeſſion of the ſame in any Time to come, they ſhall be alſo utterly void, revoked, repealed, adnulled, and diſappropried for ever; and that from henceforth in every Church ſo appropried, or to be appropried, a Secular Perſon be ordained Vicar perpetual, canonically inſtitute and induct in the ſame, and covenably endowed by the Diſcretion of the Ordinary, to do divine Service, and to inform the People, and to keep Hoſpitality there, except the Church of *Hadenham* aforeſaid; and that no Religious be in any wiſe made Vicar in any Church ſo appropried, or to be appropried by any Means in Time to come.'

A Vicar endowed ſhall be a Secular Man, and not a Religious. 3 H. 6. f. 23.

CAP. XIII.

A Confirmation of the Statutes of 1 EDW. 3. *Stat.* 2. *c.* 5. 18 EDW. 3. *Stat.* 2. *c.* 7. and 25 EDW. 3. *Stat.* 5. *c.* 8. touching Service in War.

ITEM ordeignez eſt & eſtabliz qe leſtatut fait lan primere le Roy EDWARD Aiel noſtre Seignur le Roy qoreſt contenant qe nuls ſoient diſtreintz daler hors de leur countees ſinoun pur cauſe de neceſſitee de ſodeigne venue deſtranges eſnemys en Roialme & leſtatut fait lan diſoetiſme du dit Aiel qe gentz darmes hobelers & archiers eſſuz pur aler en le ſervice du Roy hors dEngleterre ſoient as gages le Roy du jour qils departiront hors dees countees ou ils feuront eſſuz & auxint leſtatut fait lan vint & quint le dit Aiel qe nul homme ſoit arte de trover gentz darmes hobelers narchiers autres qe ceux qi tiegnent par tiel ſervice ſil ne ſoit par commune aſſent & grante faite en parlement ſoient fermement tenuz & gardez en toutz pointz Parainſi toutes voies qe par force ou colour de la dite ſupplication ne daſcun eſtatut ſur ceo affaire les Seignurs nautres qi ount terres & poſſeſſions en paiis de Gales ou en le marche dicell ne ſoient en aſcun manere excuſez de lour ſervice & devoirs de lours dites terres & poſſeſſions dues ne daſcuns autres devoirs ou choſes a les quelles ils ou aſcuns de eux ſont a noſtre dit Seignur le Roy eſpecialment obligez combien qe yceux Seignurs & autres aient autres terres & poſſeſſions dedeinz le Roialme dEngleterre ne qe les Seignurs ou autres de quel eſtat ou condition qils ſoient qi tiegnent par eſcuage ou autre ſervice dué au Roy aſcuns terres ou poſſeſſions dedeinz le dit Roialme ne ſoient aſcunement excuſez de faire les ſervices & devoirs des ditz terres ou poſſeſſions dues ne qe les Seignurs chivalers eſquiers nautres perſones de quel eſtat ou condition qils ſoient qi tiegnent & ont de la grant ou confirmation de noſtre dit Seignur le Roy terre poſſeſſions fees annuitees empenſions ou autres profitz annuelx ne ſoient naſcun de eux ſoit excuſez de lour ſervice affaire a noſtre dit Seignur le Roy par tiel manere come ils ſont tenuz par cauſe des terres poſſeſſions fees annuitees empenſions ou profitz ſuiſditz.

'ITEM, it is ordained and ſtabliſhed, That the Statute made in the firſt Year of King EDWARD, Grandfather to our Lord the King that now is, containing, That none ſhall be conſtrained to go out of their Counties, but only for Cauſe of Neceſſity of ſudden coming of ſtrange Enemies into the Realm; and the Statute made the eighteenth Year of the ſaid Grandfather, That Men of Arms, Hoblers, and Archers choſen to go in the King's Service out of *England*, ſhall be at the King's Wages from the Day they do depart out of the Counties where they were choſen; and alſo the Statute made the twenty-fifth Year of the ſaid Grandfather, That no Man be compelled to find Men of Arms, Hoblers, nor Archers, other than thoſe which do hold by ſuch Service, unleſs it be by common Aſſent and Grant made in the Parliament, ſhall be firmly holden and kept in all Points; ſo that always by force or colour of the ſaid Supplication, nor of any other Statute thereupon to be made, the Lords, nor any other that have Lands and Poſſeſſions in the Country of *Wales*, or in the Marches thereof, ſhall in no wiſe be excuſed of their Service and Devoirs due of their ſaid Lands and Poſſeſſions, nor of any other Devoirs or Things whereto they or any of them be bound to our Lord the King, though that the ſame Lords and others have other Lands and Poſſeſſions within the Realm of *England*; nor that the Lords, or others, of what Eſtate or Condition that they be, which hold by Eſcuage or other Service due to the King, any Lands or Poſſeſſions within the ſaid Realm, be in no wiſe excuſed to do their Services and Devoirs due of their ſaid Lands or Poſſeſſions; nor that the Lords, Knights, Eſquires, nor other Perſons, of what Eſtate or Condition they be, which hold and have of the Grant or Confirmation of our Lord the King, Lands, Poſſeſſions, Fees, Annuities, Penſions, or other yearly Profits, be not excuſed to do their Service to our Lord the King in ſuch Manner as they are bounden becauſe of the Lands, Poſſeſſions, Fees, Annuities, Penſions, or Profits aforeſaid.'

All Men that hold of the King to do any Service in War, ſhall do the ſame.

O B. 12 Car. 2. c. 24.

See further Index, tit. Militia.

CAP. XIV.

A Labourer ſhall not be retained to work by the Week.

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Exp. 5 El. c. 4.

ITEM ordeignez eſt & eſtabliz qe nul laborer ſoi retiegne pur lowere par ſemaigne ne qe nuls laborers carpenters cementers tegulers plaſtrers doubers coverours des maiſons nautres laborers quielconqes priegnent lowere pur jours de feſtes ne pur veile des feſtes ou ils ne laborent forſqe al heure de none ſinon pur demy jour ſur peine qe tiel laborer carpenter cementer teguler plaſterer douber coverour des maiſons ou autre laborer quelconqe qi prendra a contraire de ceſt eſtatut paie au Roy pur cheſcun foitz qil avera enſi fait a contraire xx s.

CAP. XV.

Merchants ſhall beſtow their Money received upon other Merchandiſes of this Realm.

'ITEM, It is ordained and eſtabliſhed that all the Merchants, Strangers, and Denizens, which bring Merchandiſes into this Realm of *England* and the ſame do ſell within the Realm, and receive *Engliſh* Money for the ſame, that they ſhall beſtow the ſame Money upon other Merchandiſes of *England*, for to carry the ſame out of the Realm of *England*, without carrying any Gold or Silver in Coin, Plate, or Maſs, out of the ſaid Realm, upon Pain of Forfeiture of the ſame, ſaving always their reaſonable Coſts.'

ITEM ordeignez eſt & eſtabliz qe toutz les marchantz aliens eſtranges & denzeins qameſnent marchandiſes en Engleterre & les vendent deinz le Roialme & la monoie dEngleterre pur ycelles receivent qils mettent meſme la monoie ſur autres marchandiſes dEngleterre pur les ameſner hors du Roialme dEngleterre ſanz emporter aſcun or ou argent en coigne plate ou maſſe hors du dit Roialme ſur peine de forfaiture dicell Sauvez toutes foitz leur coſtages raiſonables.

Enforced by 5 H. 4. c. 9.
2 *H.* 6. *c.* 6.
27 H. 6. c. 3.
17 Ed. 4. c. 1.
3 H. 7. c. 8.
which laſt mentioned Statutes are continued for twenty Years, by 7 *Ed.* 6. *c.* 6. *See farther Index, tit.* Gold and Silver.

CAP. XVI.

No Perſon ſhall carry Gold or Silver out of the Realm without the King's Licence [a].

EXP.
9 Ed. 3. ſtat. 2. c. 1.
5 R. 2. ſtat. 1. c. 2.

[a] *This Chapter is miſplaced in the Print. It follows* Cap. XXXIV. *upon the Roll.*

2 H. 6. c. 6. *And ſee the References to the foregoing Chapter.*

CAP. XVII.

Infants are not to be received into the Order of Friers without the Conſent of their Parents, &c.

OB.

CAP. XVIII.

The Puniſhment of an Attorney found in Default.

What Sort of Men ſhall be Attornies.
4 Inſt. 76.
3 H. 6. f. 29.
2 Geo. 2. c. 23.

"ITEM, For ſundry Damages and Miſchiefs that have enſued before this Time to divers Perſons of the Realm by a great Number of Attornies, ignorant and not learned in the Law, as they were wont to be before this Time;" 'it is ordained and ſtabliſhed, That all the Attornies ſhall be examined by the Juſtices, and by their Diſcretions their Names put in the Roll, and they that be good and vertuous, and of good Fame, ſhall be received and ſworn well and truly to ſerve in their Offices, and eſpecially that they make no Suit in a foreign County; and the other Attornies ſhall be put out by the Diſcretion of the ſaid Juſtices; and that their Maſters, for whom they were Attornies, be warned to take others in their Places, ſo that in the mean Time no Damage nor Prejudice come to their ſaid Maſters. And if any of the ſaid Attornies do die, or do ceaſe, the Juſtices for the time being by their Diſcretion ſhall make another in his Place, which is a vertuous Man and learned, and ſworn in the ſame Manner as afore is ſaid; and if any ſuch Attorney be hereafter notoriouſly found in any Default of Record, or otherwiſe, he ſhall forſwear the Court, and

20 H. 6. f. 37.
Bro. Attur. 33.

ITEM pur pleuſours damages & meſchiefs qont advenuz devaunt ces heures as diverſes gentz du Roialme par le grant nombre des attournees nient ſachantz napriſes de la loye come ils ſoloient eſtre pardevant ordeignez eſt & eſtabliz qe toutz les attournees ſoient examinez par les Juſtices & par leur diſcretions leur nouns mys en rolle & ceux qi ſont bons & virtuouſes & de bone fame ſoient receux & jurrez de bien & loialment ſervir en leur offices & en eſpecial qils ne facent nulle ſuyte en foreine countee & ſoient les autres attornees ouſtez par la diſcretion des ditz Juſtices & qe leur meiſtres ove queux ils feurent attornees ſoient garniz de prendre autres en leur lieux parenſi qen le meſne temps damage ne prejudice adviegne a leur ditz meiſtrez. Et ſi aucun des ditz attournez devie ou ceſſe qe les Juſtices pur le temps eſteantz par leur diſcretions facent autre en ſon lieu qi ſoit homme vertuous & ſachant & jurrez en meſme le manere come deſſuis. Et ſi aſcun tiel attournee ſoit notoirement trovez en defaut de record ou autrement en temps advenir qil forſuire la courte & qe jammais il ne

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ſoit reſceu a nulle ſuite faire en aucune Courte de Roy & qe meſme ceſte ordinance ſoit tenuz en leſcheqer ſelonc la diſcretion del treſorer & des Barons illoeqes.

'never after be received to make any Suit in any 'Court of the King. And that this Ordinance be 'holden in the Exchequer after the Diſcretion of the 'Treaſurer, and of the Barons there.'

CAP. XIX.

No Officer of a Lord of a Franchiſe ſhall be Attorney in the ſame.

ITEM ordeignez eſt & eſtabliz qe nul ſeneſchall bailliff ne miniſtre des Seignurs des franchiſes qont retourne du brief ſoit attornee en nul plee deinz la franchiſe ou baillie dont il eſt ou ſerra tiel officer ou miniſtre en aucun temps advenir.

'ITEM, It is ordained, That no Steward, Bailiff, 'nor Miniſter of Lords of Franchiſes, which have 'Return of Writs, be Attorney in any Plea within 'the Franchiſe or Bailiwick whereof he is or ſhall be 'Officer or Miniſter, in any Time to come.'

CAP. XX.

Cuſtomers, Controllers, *&c.* ſhall abide upon their Office, and make no Deputies; and every Cuſtomer, ſhall be ſworn to anſwer the King all Profits.

ITEM ordeignez eſt & eſtabliz qe leſtatut fait lan primer le Roy noſtre Seignur qoreſt de ce qe les cuſtumers & controllours en cheſcun port dEngleterre demoergent ſur leur offices en leur propres perſone ſanz aucun deputee ou lieutenant faire en leur nouns ſoit fermement tenuz & gardez en toutz pointz adjouſtez a ycel qe a ce faire ils ſoient jurrez de temps en temps ſur peine dempriſonement de paier au Roy C l. ſils facent le contraire. Et auxint accordez eſt & aſſentuz qe le lieutenant du chief botiller du Roy & le ſercheour ſoient reſidentz en meſme la manere & ſur meſme la peine de C l. a paiere lun moitee a noſtre Seigner le Roy & lautre moite a celuy qi voet ſuir pur meſme noſtre Seignur le Roy devers tieux cuſtumers controllours lieutenant ou ſercheour nient reſidentz. Et qe cheſcun cuſtumer deſore enavaunt ſur ſon accompt rendre en leſcheqer ſoit jurrez par ſon ſerement de reſpondre loialment a meſme noſtre Seignur le Roy ſanz fraude ou male engine des toutz maners profitz & commoditees pur paiement daſcun aſſignement ſoit il par taille ou autrement par lui ou aucun autre reſcuez ou a reſceivers pur achate daſcun taille ou en autre manere queconqe. Et qe toutz maneres des marchandiſes entrantz en la Roialme dEngleterre ou iſſantz dicell ſoient chargez & deſchargez en les grantz portz du mier & nemye en crykes & petitz arrivails ſur peine des toutz les marchandiſes iſſint chargez ou deſchargez a noſtre Seignur le Roy forfaire forſpris veſſeux ou merchandiſes appliantz en tieux petitz crykes & arrivails par cohertion de la tempeſte du mier.

'ITEM it is ordained and eſtabliſhed, That the 'Statute made in the firſt Year of our Lord the 'King that now is, That Cuſtomers and Controllers 'in every Port of *England* ſhall abide upon their Offices in their proper Perſons, without making any 'Deputy or Lieutenant in their Names, be firmly 'holden and kept in all Points; joined to the ſame, 'That they ſhall be ſworn to do the ſame from 'Time to Time upon Pain of Impriſonment, and 'to pay to the King an C l. if they do contrary. 'Alſo it is accorded and aſſented, that the Lieutenant 'of the King's chief Butler, and the Searcher, ſhall 'be reſident in the ſame Manner, and upon the ſame 'Pain of an C l. to pay the one half to our Lord the 'King, and the other half to him that will ſue for the 'ſame againſt ſuch Cuſtomers, Controllers, Lieutenant, or Searcher, not reſident; and that every 'Cuſtomer from henceforth, upon the yielding of his 'Account in the Exchequer, be ſworn by his Oath to 'anſwer lawfully to the ſame Lord the King, without 'Fraud or Deceit, of all Manner of Profits and Commodities for the Payment of any Aſſignment, be it 'by Tail, or in any other Manner whatſoever. 'And that all Manner of Merchandiſes entering in 'the Realm of *England*, or going out of the ſame, ſhall 'be charged and diſcharged in the great Ports of the 'Sea, and not in Creeks and ſmall Arrivals, upon 'Pain to forfeit all the Merchandiſes ſo charged or 'diſcharged to our Lord the King, except Veſſels or 'Merchandiſes arriving in ſuch little Creeks and Arrivals by Cohertion of Tempeſt of the Sea.'

14 *R.* 2. *c.* 10. 17 *R.* 2. *c.* 5. 1 H. 4. c. 13.

Enforced by 13 H. 4. c. 5.

8 H. 6. c. 3.

Merchandiſe ſhall be charged and diſcharged in Ports, and not in Creeks. 11 H. 6. c. 15.

See 31 *H.* 6. *c.* 5. 1 El. c. 11. *Reſtrictions.*

ſ. 8. *which put Cuſtomers, &c. under farther*

CAP. XXI.

Searchers ſhall not let any their Offices to ferm, or occupy them by Deputy.

ITEM ordeignez eſt & eſtabliz qe les ſercheours en cheſcun port dEngleterre ſoient chargiez & jurrez qils ne leſſent a ferme leur office de ſercherie ne les occupient par deputee & qils ne priegnent deſore enavaunt de nulles meſtres des niefs de lour office de ſercherie faire nul argent ne monoie pur leur bienvenuz & bienalees ne nul autre choſe pur ycell come il ad eſte pris & levez devant ces heures

'ITEM it is ordained and eſtabliſhed, That the 'Searchers in every Port of *England*, ſhall be charged and ſworn, That they ſhall not let to ferm their 'Offices of ſearching, nor occupy the ſame by a Deputy; and that from henceforth they take of no 'Maſters of Ships for their Office of ſearching, any 'Silver or Money for their Welcome and Farewell, nor 'any other Thing for the ſame, as it hath been taken

See 13 H. 4. c. 5. *enforcing the Reſidence of Searchers, &c.*

'and

CAP. XIV.

A Labourer ſhall not be retained to work by the Week.

Ex Rot. in Turr. Lond.

Exp. 5 El. c. 4.

ITEM ordeignez eſt & eſtabliz qe nul laborer ſoi retiegne pur lowere par ſemaigne ne qe nuls laborers carpenters cementers tegulers plaſtrers doubers coverours des maiſons nautres laborers quielconqes priegnent lowere pur jours de feſtes ne pur veile des feſtes ou ils ne laborent forſqe al heure de none ſinon pur demy jour ſur peine qe tiel laborer carpenter cementer teguler plaſterer douber coverour des maiſons ou autre laborer quelconqe qi prendra a contraire de ceſt eſtatut paie au Roy pur cheſcun foitz qil avera enſi fait a contraire xx s.

CAP. XV.

Merchants ſhall beſtow their Money received upon other Merchandiſes of this Realm.

'ITEM, It is ordained and eſtabliſhed that all the Merchants, Strangers, and Denizens, which bring Merchandiſes into this Realm of *England* and the ſame do ſell within the Realm, and receive *Engliſh* Money for the ſame, that they ſhall beſtow the ſame Money upon other Merchandiſes of *England*, for to carry the ſame out of the Realm of *England*, without carrying any Gold or Silver in Coin, Plate, or Maſs, out of the ſaid Realm, upon Pain of Forfeiture of the ſame, ſaving always their reaſonable Coſts.'

ITEM ordeignez eſt & eſtabliz qe toutz les marchantz aliens eſtranges & denzeins qameſnent marchandiſes en Engleterre & les vendent deinz le Roialme & la monoie dEngleterre pur ycelles receivent qils mettent meſme la monoie ſur autres marchandiſes dEngleterre pur les ameſner hors du Roialme dEngleterre ſanz emporter aſcun or ou argent en coigne plate ou maſſe hors du dit Roialme ſur peine de forfaiture dicell Sauvez toutes foitz leur coſtages raiſonables.

Enforced by 5 H. 4. c. 9.
2 H. 6. c. 6.
27 H. 6. c. 3.
17 Ed. 4. c. 1.
3 H. 7. c. 8.

which laſt mentioned Statutes are continued for twenty Years, by 7 *Ed.* 6. *c.* 6. *See farther Index, tit.* Gold and Silver.

CAP. XVI.

No Perſon ſhall carry Gold or Silver out of the Realm without the King's Licence [a].

EXP.
9 Ed. 3. ſtat. 2. c. 1.
5 R. 2. ſtat. 1. c. 2.

[a] *This Chapter is miſplaced in the Print. It follows* Cap. XXXIV. *upon the Roll.*

2 H. 6. c. 6. *And ſee the References to the foregoing Chapter.*

CAP. XVII.

Infants are not to be received into the Order of Friers without the Conſent of their Parents, &c.

OB.

CAP. XVIII.

The Puniſhment of an Attorney found in Default.

What Sort of Men ſhall be Attornies.
4 Inſt. 76.
3 H. 6. f. 29.
2 Geo. 2. c. 23.

"ITEM, For ſundry Damages and Miſchiefs that have enſued before this Time to divers Perſons of the Realm by a great Number of Attornies, ignorant and not learned in the Law, as they were wont to be before this Time;" 'it is ordained and ſtabliſhed, That all the Attornies ſhall be examined by the Juſtices, and by their Diſcretions their Names put in the Roll, and they that be good and vertuous, and of good Fame, ſhall be received and ſworn well and truly to ſerve in their Offices, and eſpecially that they make no Suit in a foreign County; and the other Attornies ſhall be put out by the Diſcretion of the ſaid Juſtices; and that their Maſters, for whom they were Attornies, be warned to take others in their Places, ſo that in the mean Time no Damage nor Prejudice come to their ſaid Maſters. And if any of the ſaid Attornies do die, or do ceaſe, the Juſtices for the time being by their Diſcretion ſhall make another in his Place, which is a vertuous Man and learned, and ſworn in the ſame Manner as afore is ſaid; and if any ſuch Attorney be hereafter notoriouſly found in any Default of Record, or otherwiſe, he ſhall forſwear the Court, and

20 H. 6. f. 37.
Bro. Attur. 33.

ITEM pur pleuſours damages & meſchiefs qont advenuz devaunt ces heures as diverſes gentz du Roialme par le grant nombre des attournees nient ſachantz napriſes de la loye come ils ſoloient eſtre pardevant ordeignez eſt & eſtabliz qe toutz les attournees ſoient examinez par les Juſtices & par leur diſcretions leur nouns mys en rolle & ceux qi ſont bons & virtuouſes & de bone fame ſoient receux & jurrez de bien & loialment ſervir en leur offices & en eſpecial qils ne facent nulle ſuyte en foreine countee & ſoient les autres attornees ouſtez par la diſcretion des ditz Juſtices & qe leur meiſtres ove queux ils feurent attornees ſoient garniz de prendre autres en leur lieux parenſi qen le meſne temps damage ne prejudice adviegne a leur ditz meiſtrez. Et ſi aucun des ditz attournez devie ou ceſſe qe les Juſtices pur le temps eſteantz par leur diſcretions facent autre en ſon lieu qi ſoit homme vertuous & ſachant & jurrez en meſme le manere come deſſuis. Et ſi aſcun tiel attournee ſoit notoirement trovez en defaut de record ou autrement en temps advenir qil forſuire la courte & qe jammais il ne

ſoit

Ex Rot. in Turr. Lond.

ſoit reſceu a nulle ſuite faire en aucune Courte de Roy & qe meſme ceſte ordinance ſoit tenuz en leſcheqer ſelonc la diſcretion del treſorer & des Barons illoeqes.

'never after be received to make any Suit in any 'Court of the King. And that this Ordinance be 'holden in the Exchequer after the Diſcretion of the 'Treaſurer, and of the Barons there.'

CAP. XIX.

No Officer of a Lord of a Franchiſe ſhall be Attorney in the ſame.

ITEM ordeignez eſt & eſtabliz qe nul ſeneſchall bailliff ne miniſtre des Seignurs des franchiſes qont retourne du brief ſoit attornee en nul plee deinz la franchiſe ou baillie dont il eſt ou ſerra tiel officer ou miniſtre en aucun temps advenir.

'ITEM, It is ordained, That no Steward, Bailiff, 'nor Miniſter of Lords of Franchiſes, which have 'Return of Writs, be Attorney in any Plea within 'the Franchiſe or Bailiwick whereof he is or ſhall be 'Officer or Miniſter, in any Time to come.'

CAP. XX.

Cuſtomers, Controllers, *&c.* ſhall abide upon their Office, and make no Deputies; and every Cuſtomer, ſhall be ſworn to anſwer the King all Profits.

ITEM ordeignez eſt & eſtabliz qe leſtatut fait lan primer le Roy noſtre Seignur qoreſt de ce qe les cuſtumers & controllours en cheſcun port dEngleterre demoergent ſur leur offices en leur propres perſone ſanz aucun deputee ou lieutenant faire en leur nouns ſoit fermement tenuz & gardez en toutz pointz adjouſtez a ycel qe a ce faire ils ſoient jurrez de temps en temps ſur peine dempriſonement de paier au Roy C l. ſils facent le contraire. Et auxint accordez eſt & aſſentuz qe le lieutenant du chief botiller du Roy & le ſercheour ſoient reſidentz en meſme la manere & ſur meſme la peine de C l. a paiere lun moitee a noſtre Seigner le Roy & lautre moite a celuy qi voet ſuir pur meſme noſtre Seignur le Roy devers tieux cuſtumers controllours lieutenant ou ſercheour nient reſidentz. Et qe cheſcun cuſtumer deſore enavaunt ſur ſon accompt rendre en leſcheqer ſoit jurrez par ſon ſerement de reſpondre loialment a meſme noſtre Seignur le Roy ſanz fraude ou male engine des toutz maners profitz & commoditees pur paiement daſcun aſſignement ſoit il par taille ou autrement par lui ou aucun autre reſcuez ou a reſceivers pur achate daſcun taille ou en autre manere queconqe. Et qe toutz maneres des marchandiſes entrantz en la Roialme dEngleterre ou iſſantz dicell ſoient chargez & deſchargez en les grantz portz du mier & nemye en crykes & petitz arrivails ſur peine des toutz les marchandiſes iſſint chargez ou deſchargez a noſtre Seignur le Roy forfaire forſpris veſſeux ou merchandiſes appliantz en tieux petitz crykes & arrivails par cohertion de la tempeſte du mier.

'ITEM it is ordained and eſtabliſhed, That the 'Statute made in the firſt Year of our Lord the 'King that now is, That Cuſtomers and Controllers 'in every Port of *England* ſhall abide upon their Of-'fices in their proper Perſons, without making any 'Deputy or Lieutenant in their Names, be firmly 'holden and kept in all Points; joined to the ſame, 'That they ſhall be ſworn to do the ſame from 'Time to Time upon Pain of Impriſonment, and 'to pay to the King an C l. if they do contrary. 'Alſo it is accorded and aſſented, that the Lieutenant 'of the King's chief Butler, and the Searcher, ſhall 'be reſident in the ſame Manner, and upon the ſame 'Pain of an C l. to pay the one half to our Lord the 'King, and the other half to him that will ſue for the 'ſame againſt ſuch Cuſtomers, Controllers, Lieute-'nant, or Searcher, not reſident; and that every 'Cuſtomer from henceforth, upon the yielding of his 'Account in the Exchequer, be ſworn by his Oath to 'anſwer lawfully to the ſame Lord the King, without 'Fraud or Deceit, of all Manner of Profits and Com-'modities for the Payment of any Aſſignment, be it 'by Tail, or in any other Manner whatſoever. 'And that all Manner of Merchandiſes entering in 'the Realm of *England*, or going out of the ſame, ſhall 'be charged and diſcharged in the great Ports of the 'Sea, and not in Creeks and ſmall Arrivals, upon 'Pain to forfeit all the Merchandiſes ſo charged or 'diſcharged to our Lord the King, except Veſſels or 'Merchandiſes arriving in ſuch little Creeks and Ar-'rivals by Cohertion of Tempeſt of the Sea.'

14 *R.* 2. *c.* 10. 17 *R.* 2. *c.* 5. 1 H. 4. c. 13.

Enforced by 13 H. 4. c. 5.

1 H. 6. c. 3.

Merchandiſe ſhall be charged and diſcharged in Ports, and not in Creeks. 11 H. 6. c. 15.

See 31 *H.* 6. *c.* 5. 1 El. c. 11.

ſ. 8. *which put Cuſtomers, &c. under farther Reſtrictions.*

CAP. XXI.

Searchers ſhall not let any their Offices to ferm, or occupy them by Deputy.

ITEM ordeignez eſt & eſtabliz qe les ſercheours en cheſcun port dEngleterre ſoient chargiez & jurrez qils ne leſſent a ferme leur office de ſercherie ne les occupient par deputee & qils ne priegnent deſore enavaunt de nulles meſtres des niefs de lour office de ſercherie faire nul argent ne monoie pur leur bienvenuz & bienalees ne nul autre choſe pur ycell come il ad eſte pris & levez devant ces heures

'ITEM it is ordained and eſtabliſhed, That the 'Searchers in every Port of *England*, ſhall be char-'ged and ſworn, That they ſhall not let to ferm their 'Offices of ſearching, nor occupy the ſame by a De-'puty; and that from henceforth they take of no 'Maſters of Ships for their Office of ſearching, any 'Silver or Money for their Welcome and Farewell, nor 'any other Thing for the ſame, as it hath been taken

See 13 H. 4. c. 5. *enforcing the Reſidence of Searchers, &c.*

'and

'and received before this Time, otherwiſe than ſhall 'be ordained to them for their Office by our Lord the 'King; and that no Searcher be Hoſt to any Mer-'chant or Mariner. And in caſe that any Sear-'cher do contrary to this Statute, and that duly 'proved, the ſame Searcher ſhall be put out of his *See the References to the foregoing Chapter.* 'Office for ever, and make Fine and Ranſom at the 'King's Will.'

Ex Rot. in Turr. Lond.

autrement qe ne ſerra ordeignez a eux pur lour office par noſtre Seignur le Roy. Et qe nul ſercheour ſoit hoſt a nul marchant ne maryner. Et en cas qaſcun ſercheour face le contrair de ceſt eſtatut & ce duement provee ſoit meſme le ſercheour ouſte de ſon office pur toutz jours & face fyn & ranceon a la voluntee du Roy.

This Chapter follows Cap. XVI. *on the Roll.*

CAP. XXII.

The Remedy where by the King's Preſentation any Incumbent is put forth.

25 Ed. 3. ſtat. 3. c. 3.

"ITEM, Whereas it is ordained by the Statute "made the twenty-fifth Year of King EDWARD, "Grandfather to our Lord the King, that if the King "make Collation or Preſentment to any Benefice in "another's Right, that the Title whereupon he "groundeth him ſhould be well examined that it be "true; and at what Time, before Judgement "given, the Title be found by good Information un-"true and unjuſt, the Collation or Preſentment thereof 13 R. 2. ſtat. 1. c. 1. "made, ſhall be repealed and adnulled. And 1 Mod. 279. "moreover, in a Statute made after in the Time of "King RICHARD, it was ordained and eſtabliſhed, "That if the King preſent to any Benefice that is full "of any Incumbent, that the King's Preſentee ſhall "not be received by the Ordinary, till the King hath "recovered his Preſentment by Proceſs of the Law "in his own Court; and if any Preſentee of the "King be otherwiſe received, and the Incumbent put "out without due Proceſs, as afore is ſaid, the ſame "Incumbent ſhall commence his Suit within a Year "after the Induction of the Preſentee:" 'Our 'Lord the King conſidering the great Miſchief of the 'Incumbent in this Behalf, hath ordained and ſta-'bliſhed, by the Aſſent aforeſaid, That if any ſuch 'Incumbent be put out of his Benefice without due 'Proceſs in the Manner aforeſaid, That the ſaid In-'cumbent ſo put out without Proceſs, may be at large, 'and ſue for his Remedy by the ſaid Statute, and be-'gin his Suit in this Caſe at what Time ſhall pleaſe 'him, within the Year, or after, at his Will; and 'that as well for the Time paſt, as for the Time to 'come, notwithſtanding the Term ſo limited by the 'ſaid Statute.'

ITEM come ordeigne ſoit par eſtatut fait lan vint & quint le Roy EDWARD Aiel noſtre dit Seignur le Roy qe ſi le Roy ferra collation ou preſentement a nulle benefice en autri droit qe le title ſur qi il ſe fondera ſerroit bien examine qil ſerroit verrai & a quel heure qe avant juggement rendu le title ſoit trove par bone enformation nient verroi ne jouſt ſoit la collation ou preſentement ent faitz repellez & anientez. Et enoutre ſoit ordeigne & eſtabli en eſtatut fait apres en temps du Roy RICHARD qe ſi le Roy preſente a aſcun benefice qi ſoit plein daſcun incumbent qe le preſentee le Roy ne ſoit reſceu par lordinaire tanqe le Roy eit recoverez ſon preſentement par proces de ley en ſa court demeſne & ſi aſcune preſentee du Roy ſoit autrement reſceu & le incumbent ouſte ſanz due proces come deſuis eſt dit commence le dit incum-bent ſa ſuyte deinz un an apres la induction de preſentee du Roy Noſtre Seignur le Roy conſi-derant le grant meſchief du dit incumbent celle partie ad ordeignez & eſtabliz de laſſent avauntdit qe ſi aucun tiel incumbent ſoit ouſtee de ſon be-nefice ſanz proceſſe en la manere ſuiſdite qe le dit incumbent iſſint ouſtee ſanz proceſſe puiſſe eſtre a large & ſuir remedie par le dit eſtatut & comencer ſa dite ſeute en ce cas a quel temps qe luy plerra deinz lan ou apres a ſa voluntee & ce ſibien pur temps paſſe come pur temps advenir nient contre-ſteant le dit terme enſi limite par le dit eſtatut.

CAP. XXIII.

Judgements given ſhall continue until they ſhall be reverſed by Attaint or Error.

19 H. 6. f. 39. Dyer 315, 321, 376. Cro. Jac. 335, 343. 3 Bulſtr. 42, 47, 115.

"ITEM, Where as well in Plea real as in Plea per-"ſonal, after Judgement given in the Courts of "our Lord the King, the Parties be made to come "upon grievous Pain, ſometime before the King him-"ſelf, ſometime before the King's Council, and ſome-"times to the Parliament, to anſwer there of new, to "the great Impoveriſhing of the Parties aforeſaid, and "in the Subverſion of the common Law of the Land;" 'it is ordained and ſtabliſhed, That after Judge-'ment given in the Courts of our Lord the King, the 'Parties and their Heirs ſhall be thereof in Peace, 'until the Judgement be undone by Attaint or by 12 Co. 64. Dr. and Stud. c. 18. 'Error, if there be Error, as hath been uſed by the 'Laws in the Times of the King's Progenitors.'

ITEM come ſibien en plee roial come perſonel apree juggement renduz en les courtes noſtre Seignur le Roy les parties ſont faitz venir ſur griefe peine a la foith devant le Roy meſmes a la foith devant le conſeil du Roy & a la foith en par-lement de ent reſpondre de novel a grant anientiſe-ment des parties ſuiſditz & en ſubverſion de la commune loie de la terre ordeignez eſt & eſtabliz qapres juggement rendu en les courtes noſtre Seignur le Roy les parties & leur heirs en ſoient en pees tanqe le juggement ſoit anientiz par atteinte ou par errour ſi errour y ad come il ad eſte uſez par la loie en temps des progenitours noſtre dit Seignur le Roy.

This Chapter follows Cap. XXI. *on the Roll.*

CAP.

CAP. XXIV.

In Turr. Lond.

Aulnage of Cloths may be let to Ferm by Improvement.

O B.
11 W. 3. c. 20.
Dyer 303.
17 R. 2. c. 2.
31 H. 6. c. 5.

CAP. XXV.

An Hoſtler ſhall not make Horſe-bread. How much he may take for Oats.

ITEM ordeignez eſt & eſtabliz qe leſtatut des vitaillers & hoſtilers & autres vendours des vitaillez fait l'an treſziſme du dit Roy RICHARD ſoit tenuz & gardez & mys en due execution. Et ſi aſcun hoſtiler face a contrair & ce duement provee encourge meſme loſtiler de temps en temps la peine de la treble value del payn fait pur luy en ſon hoſtell ou aillours a contrair du dit eſtatut. Et auxi encourge meſme loſtiler la quatreble value de ceo qil avera pris outre un mail de cheſcun buſell des aveyns outre la commune pris en marchee & ceo ſi bien a ſeute de Roy come de partie.

The Penalty on an Hoſtler offending againſt the Statute of 13 R. 2. ſtat. 1. c. 8.
Cro. Jac. 609.
32 H. 8. 41.

So much of this Statute as concerns the Execution of the Part of the Stat. of 13 R. 2. ſtat. 1. c. 8. relating to Horſe-bread, is repealed by 21 Jac. 1. c. 21. & c. 28.

CAP. XXVI.

Engliſhmen ſhall not be convict by *Welchmen* in *Wales*.

Rep. 21 Jac. 1. c. 28.

CAP. XXVII.

There ſhall be no Waſters, Vagabonds, &c. in *Wales*.

ITEM pur eſchuir pluſeurs diſeaſes & meſchiefs qont advenuz devaunt ces heures en la terre de Gales par pluſeurs weſtours rymours miniſtralx & autres vacabondes ordeignez eſt & eſtabliz qe nul weſtour rymour miniſtrall ne vacabond ſoit aucunement ſuſtenuz en la terre de Gales pur faire kymorthas ou coillage ſur la commune people illoeqes.

Altered 26 H. 8. c. 6. 27 H. 8. c. 26.

CAP. XXVIII.

There ſhall be no Congregations in *Wales*.

Rep. 21 Jac. 1. c. 28.

CAP. XXIX.

Welſhmen ſhall not be armed.

ITEM ordeignez eſt & eſtabliz qe deſorenavaunt nul homme Galois ſoit armee ne porte armure defenſible as villes marchees eſgliſes ne congregations nen ycelles nen les hautes chemyns en affraie du paix ou des liges noſtre Seignur le Roy ſur peine dempriſonement & de faire fyn & ranceon a la voluntee du Roy forſpris ceux qi ſont loialx liges a meſme noſtre Seignur le Roy.

Altered 26 H. 8. c. 6. 27 H. 8. c. 26.

CAP. XXX.

No Victual or Armour ſhall be carried into *Wales*.

Rep. 21 Jac. 1. c. 28.

CAP. XXXI.

A *Welſhman* ſhall not have any Houſe of Defence.

Rep. 21 Jac. 1. c. 28.

CAP. XXXII.

No *Welſhman* ſhall be an Officer.

Rep. 21 Jac. 1. c. 28.

CAP. XXXIII.

Caſtles and walled Towns in *Wales* ſhall be kept by *Engliſhmen*.

Rep. 21 Jac. 1. c. 28.

CAP. XXXIV.

No *Engliſh* Man that marrieth a *Welſh* Woman ſhall be in any Office in *Wales*.

Rep. 21 Jac. 1. c. 28.

CAP. XXXV.

Shoemakers and Cordwainers may tan Leather, notwithſtanding the Statute of 13 RICH. 1. *Stat.* 2. *c.* 12.

EXP.
Rep. 5 El. c. 8. and 1 Jac. 1. c. 22.

Statutes

Statutes made at Weſtminſter, Anno 5 HENRICI IV. *and* Anno Dom. 1403.

" FOR to remedy and redreſs divers Miſchiefs, " Damages, and Grievances, ſhewed to our " Lord the King in his Parliament holden at " *Weſtminſter* the Morrow after St. *Hillary*, the fifth " Year of his Reign; the ſame our Lord the King, by " the Advice and Aſſent of his Lords Spiritual and " Temporal, and at the Requeſt of his Commons of " his Realm of *England*, come to the ſame Parliament, " hath ordained and ſtabliſhed divers Statutes and " Ordinances in the Form as followeth."

Ex Rot. in Turr. Lond. *m.* 14.

PUR remedier & recoeverir pleuſeurs meſchiefs damages & grevances monſtrez a noſtre ſoveraigne Seignur le Roy en ſon parlement tenuz a Weſtm' lendemaigne de ſeint Hiller lan de ſon regne quint meſme noſtre Seignur le Roi de ladvis & aſſent des Seignurs eſpirituelx & temporelx & a la requeſt des communes de ſon Roialme dEngleterre venuz a dit parlement ad ordeignez & eſtabliz diverſes eſtatutz & ordinances en la fourme qenſeute.

CAP. I.

Lands aſſigned to certain Traitors to the Uſe of others ſhall not be forfeited to the King.

EXP. *Enforced by* 7 H. 4. c. 5.

CAP. II.

The Penalty of him which procureth Pardon for an Approver that committeth Felony again.

" ITEM, Becauſe that divers common and notorious Felons be indicted of divers Felonies, Murders, and Rapes in divers Countries, and upon the ſame, as well before the King's Juſtices, as before the King himſelf, arraigned of the ſame Felonies, and for Safeguard of their Lives they become Provers, to ſuch Intent, that in the mean time by Brokage, Grants, and Gifts to be made to divers Perſons to purſue and have their Charters, and then after their Deliverance they become more notorious Felons than they were before;" ' it is ordained and ſtabliſhed, That if any Perſon, of what Eſtate or Condition that he be, Man or Woman, pray or purſue, or cauſe to be prayed or purſued from henceforth, for any ſuch Felon ſo attainted by his own Confeſſion, to have any Charter of Pardon, that the Name of him or her that purſueth ſuch Charter be put in the ſame Charter, making mention, that the ſame Charter is granted at his or her Inſtance; and if he to whom ſuch Charter is granted, after his Deliverance becometh a Felon again, that the ſame Perſon which did ſo purſue for his Charter, ſhall incur the Pain of an C l. to be levied to the King's Uſe.'

ITEM porce qe pluſeurs communes & notoirs larons ſont enditez des diverſes felonies murdres & rapes es diverſes paiis & ſur ycelles auxibien devant les Juſtices noſtre Seignur le Roy come devant le Roy meſme & arettez des meſmes les felonies & pur ſalvation de lour vies ils deveignent provours a tiel entent qen le meſne temps par brocage & grauntz douns faire as diverſes gentz de purſuir & avoir lour chartres & puis apres lour deliverance ils deveignent plus fortz notoirs larons qils ne feurent pardevant ordeignez eſt & eſtabliz qe ſi aucune perſone de quel eſtat ou condition qil ſoit homme ou femme prie ou purſuie ou face prier ou purſuir deſore enavant pur aſcun tiel laron iſſint atteint par ſon coniſſance demeſne pur aucune chartre de pardon avoir qe le noun de celuy ou cele qi purſuie tiel chartre ſoit mys en meſme la chartre faiſant mention qe meſme la chartre eſt grante a ſon inſtance & ſi celuy a qi tiel chartre eſt grante apres ſa deliverance devient laron qe celuy qenſi purſua pur ſa chartre encourage la peyne de cent liveres a lever al oeps noſtre dit Seignur le Roy.

CAP. III.

Watches ſhall be made upon the Coaſts as they were wont to be.

23 Ed. 1. ſtat. 2. c. 4, 5. *Ed.* 3. *c.* 14. Cro. El. 204.

" ITEM it is ordained and ſtabliſhed, That the Watch to be made upon the Sea Coaſt through the Realm ſhall be made by the Number of the People, in the Places and in Manner and Form, as they were wont to be made in Times paſt, and that in the ſame Caſe the Statute of *Wincheſter* be obſerved and kept; and that in the Commiſſions of the Peace hereafter to be made this Article be put in, That the Juſtices of Peace have Power thereof to make Inquiry in their Seſſions from Time to Time, and to puniſh them which be found in Default after the Tenor of the ſaid Statute.'

ITEM ordeignez eſt & eſtabliz qe les agaites affaires ſur le coſt du mier par tout le Roialme ſoient faitz par nombre des gentz es lieux & en fourme & manere come ils ſoleient eſtre faitz en temps paſſé & qen ce cas leſtatut de Wynceſtre ſoit tenuz & gardez & qen les commiſſions de la paix deſore affaires ſoit mys ceſt article Et qe les Juſtices de la paix aient poair dent faire inquiſition en lour ſeſſion de temps en temps & de punir ceux qi ſont trovez en defaut ſolonc le tenure du dit eſtatut.

CAP.

CAP. IV.

In Turr. Lond.

It ſhall be Felony to uſe the Craft of Multiplication of Gold or Silver.

Rep. by 1 W. & M. ſt. 1. c. 30.

CAP. V.

It ſhall be Felony to cut out the Tongue, or pull out the Eyes of the King's liege People.

ITEM porce qe pleuſeurs malfaiſours de jour en autre batent naufrent empriſonent & maheyment pluſeurs des liges noſtre Seignur le Roy & puis de purpos coupent lour langes ou ouſtent lour bils ordeignez eſt & eſtablez qen tiel cas les malfaiſours qenſi couperont les langes ou ouſteront les bils daucuns des liges noſtre dit Seignur le Roi & ceo duement trovez & provez qe tiel fait fuiſt fait de malice purpenſe encourgent la peine de felonie.

"ITEM, Becauſe that many Offenders do daily beat, wound, impriſon, and maim divers of the King's liege People, and after purpoſely cut their Tongues, or put out their Eyes;" 'it is ordained and ſtabliſhed, That in ſuch Caſe the Offenders that ſo cut Tongues, or put out the Eyes of any the King's liege People, and that duly proved and found, that ſuch Deed was done of Malice prepenſed, they ſhall incur the Pain of Felony.'

Kelyng 65.

By 22 & 23 Car. 2. c. 1. malicious Maheym is made Felony without Benefit of Clergy.

CAP. VI.

The Penalty for making an Aſſault upon any Servant of any Knight in Parliament.

ITEM porce qe Richard Cheddre eſquier qi feuſt venuz a ceſt preſent parlement oveſqe Thomas Brook chivaler un des chivalers eſluz a meſme le parlement pur le countee de Somerſ' & meynal ove le dit Thomas feueſt horriblement batuz naufrez emblemiz & maheymiz par Johan Salage autrement appellez Johan Savage ordeignez eſt & eſtabliz qe par tant qe le dit horrible fait feuſt fait deinz le temps du dit parlement qe proclamation ſoit fait la ou meſme le horrible fait ſe fiſt qe le dit Johan appierge & ſoy rende en bank le Roy deinz un quarter dun an apres la proclamation faite & ſil ne le face ſoit meſme celuy Johan atteint de la fait ſuiſdit & paie au partie endamagee ſes damages a double a taxer par diſcretion des Juges du dit Bank pur le temps eſteantz ou par enqueſt ſil emboſoigne & face fyn & ranceon a la volente du Roy. Et outre ce accordez eſt en dit parlement qe ſemblablement ſoit fait en temps avenir en cas ſemblable.

"ITEM, Becauſe that *Richard Chedder*, Eſquire, which was come to this Parliament with *Thomas Broke* Knight, one of the Knights choſen to the ſame Parliament for the County of *Somerſet*, and menial Servant with the ſaid *Thomas*, was horribly beaten, wounded, blemiſhed, and maimed by one *John Salage*, otherwiſe called *John Savage*;" 'it is ordained and ſtabliſhed, That ſeeing the ſame horrible Deed was done within the Time of the ſaid Parliament, that Proclamation be made where the ſame horrible Deed was done, That the ſaid *John* appear and yield him in the King's Bench within a Quarter of a Year after the Proclamation made; and if he do not, the ſame *John* ſhall be attainted of the ſaid Deed, and pay to the Party grieved his double Damages, to be taxed by the Diſcretion of the Judges of the ſaid Bench for the time being, or by Inqueſt, if Need be, and alſo he ſhall make Fine and Ranſom at the King's Will. Moreover it is accorded in the ſame Parliament, that likewiſe it be done in time to come in like Caſe.'

Enforced by 11 H. 6. c. 11.

CAP. VII.

Merchant Strangers ſhall be uſed in this Realm, as Denizens be in others.

ITEM ordeignez eſt & eſtabliz qe toutz les marchantz aliens de quell eſtat ou condition qils ſoient venantz demurrantz ou repairantz deinz le Roialme dEngleterre ſoient traitez & demeſnez deinz meſme le Roialme en manere forme & condition come les marchantz deinzeins ſont ou ſerront traitez & demeſnez es parties depar delea ſur peine de forsfaire au Roi toutz les biens & chateux des ditz marchantz aliens & ſur peine dempriſonement des corps de meſmes les marchantz aliens.

'ITEM, it is ordained and eſtabliſhed, that all the Merchants Strangers, of what Eſtate or Condition that they be, coming, dwelling, or repairing within the Realm of *England*, ſhall be entreated or demeaned within the ſame Realm in the Manner, Form, and Condition, as the Merchants Denizens be, or ſhall be entreated or demeaned in the Parts beyond the Sea, upon Pain to forfeit to the King all the Goods and Chattles of ſuch Merchants Strangers, and upon Pain of Impriſonment of the Bodies of ſuch Merchants Strangers.'

9 H. 3. ſtat. 1. c. 30. 9 Ed. 3. ſtat. 1. c. 1. 25 Ed. 3. ſtat. 4. c. 2. 2 R. 2. ſtat. 1. c. 1. 11 R. 2. c. 7. *Confirmed by* 4 H. 5. c. 5. *But ſee* R. 2. c. 1. 5 H. 4. c. 9. 6 H. 4. c. 4. *which put Merchant Strangers under ſome Reſtrictions, See likewiſe* 12 H. 7. c. 6. *concerning Merchant Adventurers.*

CAP. VIII.

In what Caſes the Defendant may be allowed to wage his Law, or plead to an Inqueſt.

" ITEM, To eſchew divers Miſchiefs which have " been and be from Day to Day, as well within the " City of *London*, as within other Cities and other " Places within the Realm of *England*, for that " divers feigned Suits of Debt have been taken, as well " by the People of the ſaid Cities as of other Places, " againſt divers People, ſurmiſing to them by their " ſaid Suit, that they had made Accompt before Au- " ditors aſſigned, of divers Receipts, Duties, and Con- " tracts had betwixt them, and that they were found " in Arrearages upon the ſame Accompt in divers " great Sums, ſuggeſting by the ſame Suits ſome- " time their Apprentices, and ſometime other of their " Servants, to be the Auditors, where there was never " Receipt nor Duty betwixt ſuch Parties, and where " the ſaid Apprentices nor Servants did any Thing " know of ſuch Accompt, to the Intent to cauſe them, " againſt whom ſuch Suits were taken, to put them in " Inqueſt in the ſame Suits, and to put them from the
Dyer, f. 145. " waging of their Law in ſuch Caſe; by Reaſon " whereof, by ſuch favourable Inqueſts taken there- " upon of the Neighbours of thoſe which have proſe- " cuted ſuch Suits, divers have been condemned in " great Sums, to the great impoveriſhing and undoing
Kellw. 82 b. " of them:" ' It is ordained and ſtabliſhed, That ' the Juſtices in the King's Courts, and other Judges, ' before whom ſuch Suits and Actions in all ſuch Caſes ' in Cities and Boroughs ſhall be ſued and taken, ſhall ' have Power to examine the Attorneys, and others ' whom pleaſe them, and thereupon to receive the ' Defendants to their Law, or to try the ſame by In- ' queſt, after the Diſcretion of the Juſtices and Judges ' aforeſaid.'

Ex Rot. in Turr. Lond.

ITEM pur eſcheur diverſes meſchiefs queux ount eſtez & ſont de jour en autre ſibien deinz la Citee de Londres come deinz autrees Citees & aiſſours deinz le Roialme dEngleterre de ceo qe diverſes feyntes ſuytes de dette ount eſte priſes ſibien par gentz des ditz citees come de aillours devers pluſours gentz ſurmettantz a eux par lour ſuite qils duiſſent avoir accomptez devaunt auditours aſſignez de diverſes reſceites duetees & contractz parentre eux eues & qils feurent trovez en arrerages ſur meſme lacompt en diverſes grandes ſommes ſurmettantz par meſmes les ſuites aſcun foitz lour apprentices & aucun foitz autres de lour ſervantz eſtre les auditours la ou il navoit unqes aucun reſceit ne duetee parentre tielx parties & la ou les ditz apprentices ne ſervantz riens ne ſavoient de tiel accompt al entent par faire eux devers queux tielx ſuietes furont priſes de eux mettre en enqueſte en meſmes les ſuytes & de eux ouſtier de la gagier de lour ley en tiel cas par ont pleuſeurs par tieux favourables enqueſtes ſur ceo priſes de les veiſyns de ceux qi ount priſes tielx ſuites ount eſte condempnes en pluſours graundes ſommes en graunt arreriſſement & deſtruction de eux ordeignez eſt & eſtabliz qe les Juſtices en les courtes du Roy & autres Juges devant queux tielx ſuites & actions ſerront en toutz tieux caſes en citees & burghs & priſes & ſuiz eient poair dexaminer les attournees & autres queux lour ſemblera & ſur ceo de receiver les defendantz a lour loie ou de le trier par enqueſte ſelonc les diſcretions des Juſtices & Juges ayaunt-ditz.

CAP. IX.

Merchants Aliens ſhall imploy their Monies upon the Commodities of this Realm.

In Part repealed by 6 H. 4. c. 4. 4 H. 4. c. 15. *Enforced by* 27 H. 6. c. 3. *Qualified by* 4 E. 4. c. 6. *Farther inforced by* 17 E. 4. c. 1. 3 H. 7. c. 8. *which laſt mentioned Statutes are continued for* 20 *Years by* 7 *Ed.* 6. *c.* 6.

" ITEM, For the better keeping of Gold and " Silver within the Realm of *England*, and for the " Increaſe of the Commodities of the ſaid Realm," ' it is ordained and eſtabliſhed, That the Statutes ' thereof made at the laſt Parliament, ſhall be contin- ' nued and kept, and put in due Execution; ' joined to the ſame, That the Cuſtomers and Con- ' trollers of our Lord the King, in all the Ports of ' *England*, ſhall take ſufficient Sureties for all Manner ' of Merchandiſes brought by the Merchants Aliens ' and Strangers, coming and repairing to the ſaid ' Ports, to the Intent that the Money taken for the ' ſaid Merchandiſe ſhall be imployed upon the Com- ' modities of the Realm, ſaving their reaſonable Coſts, ' as in the ſame Statute more fully is contained. ' And moreover it is ordained and eſtabliſhed, that the ' ſaid Merchants Aliens and Strangers ſhall ſell their ' ſaid Merchandiſes ſo brought within the ſaid Realm, ' within a Quarter of a Year next after their coming ' into the ſame; and alſo that the Money, which ſhall ' be delivered by Exchange in *England*, be imployed ' upon the Commodities of the Realm, within the ' ſame Realm, upon Pain of Forfeiture of the ſame ' Money. And that no Merchant Alien nor

Within what Time Merchants Aliens ſhall ſell their Merchandiſe.

ITEM pur meultz garder or & argent deinz le Roialme dEngleterre & pur lencrece de les commoditees du dit Roialme ordeignez eſt & eſtabliz qe les eſtatutz ent faitz au darrein parlement ſoient tenuz & gardez & mys en due execution ajouſtant a ycelles qe les cuſtumers & countrerollours noſtre Seignur le Roi es toutz les portz dEngleterre preignent ſufficiente ſeurte pur toutz maners de merchandiſes ameſnez par les marchantz aliens & eſtranges venantz & repairantz es ditz portz au fyn qe la monoie priſe pur les ditz merchandiſes ſerra emploiez ſur les commoditees du Roialme ſauvant lour cuſtages raiſonables come en le dit eſtatut eſt contenuz plus au plein. Et outre ceo ordeignez eſt & eſtabliz qe les ditz marchantz aliens & eſtraunges vendent lour ditz merchandiſes enſy apportez deinz le dit Roialme deinz un quartere dun an prochein apres leur venue en ycell & auxi qe la monoie qe ſerra deliverez par eſchaunge en Engleterre ſoit emploiez ſur commoditees de meſme le Roialme deinz icell Roialme ſur peyne de forfaiture dicelle monoie. Et qe null marchant alien neſtrange

Ex Rot. in Turr. Lond.

neſtrange vende null manere de merchandizes a autre marchant alien ou eſtrange ſur peyne de forfaiture de meſme la marchandiſe. Et auxi ordeignez eſt & eſtabliz qen cheſcun citee ville & port du meer dEngleterre ou les ditz marchantz aliens & eſtranges ſont ou ſerront repairantz ſoient aſſignez a meſmes les marchantz ſufficiantz hoſtes par le maires viſcontz ou baillifs de ditz citees villes & portz du meer & qe les ditz marchantz aliens & eſtranges ne ſoient demurrantz en autre lieu ſinon oveſqe les ditz hoſtes enſy a aſſigners & qe meſmes les hoſtes enſi aſſigners preignent pur lour travaill en manere come feuſt accuſtumez en auncien temps.

'Stranger ſell any Manner of Merchandiſe to any other Merchant Alien or Stranger, upon Pain of Forfeiture of the ſame Merchandiſe. And alſo it is ordained and eſtabliſhed, That in every City, Town, and Port of the Sea in *England*, where the ſaid Merchants Aliens or Strangers be, or ſhall be repairing, ſufficient Hoſts ſhall be aſſigned to the ſame Merchants, by the Mayor, Sheriffs, or Bailiffs of the ſaid Cities, Town, and Ports of the Sea; and that the ſaid Merchants Aliens and Strangers ſhall dwell in no other Place, but with their ſaid Hoſts ſo to be aſſigned; and that the ſame Hoſts ſo to be aſſigned, ſhall take for their Travel in the Manner as was accuſtomed in old Time.'

One Alien ſhall ſell no Merchandiſe to another Alien. 18 H. 6. c. 4.
Hoſts ſhall be appointed to Merchants Aliens.
4 H. 5. c. 5. 4 Ed. 4. c. 6.

CAP. X.

Juſtices of Peace ſhall impriſon none but in the common Gaol.

ITEM pur ceo qe diverſes coneſtables des chaſtelx deinz le Roialme dEngleterre ſont aſſignez par commiſſions noſtre Seignur le Roi juſtices de la pees & par colour des ditz commiſſions preignent gentz as queux ils ſont malveullantz & les empriſonont deinz les ditz chaſtelx tanqils eient fait fyn & raunceon ove les ditz coneſtables pur lour deliverance avoir ordeignez eſt & eſtabliz qe nully ſoit empriſonez par aſcuns juſtices de la pees ſinon en commune gaole ſavant as Seignurs & autres qont gaoles lour franchiſes en ce cas.

"ITEM, Becauſe that divers Conſtables of Caſtles within the Realm of *England* be aſſigned to be Juſtices of Peace by Commiſſion of our Lord the King, and by Colour of the ſaid Commiſſions they take People, to whom they bear Evil Will, and impriſon them within the ſaid Caſtles, till they have made Fine and Ranſom with the ſaid Conſtables for their Deliverance;" 'it is ordained and eſtabliſhed, That none be impriſoned by any Juſtice of the Peace, but only in the common Gaol; ſaving to Lords and others (which have Gaols) their Franchiſe in this Caſe.'

9 Co. 119. Cro. El. 829.

CAP. XI.

The Fermors of Aliens ſhall pay their Tithes to the Parſon of the ſame Pariſhes.

ITEM ordeignez eſt & eſtabliz qe les fermours & occupiours quielconqes des manoirs terres tenementz & autres poſſeſſions des aliens paient & ſoient tenuz de paier toutz maners des diſmes ent dues as parſons & vicairs de ſeinte eſgliſe es quelx paroches meſmes les manoirs terres tenementz ou poſſeſſions ſont iſſint aſſiz & dues come la loye de ſeinte eſgliſe demande nient contreſteant qe les ditz manoirs terres tenementz ou autres poſſeſſions ſont ſeiſiz es mayns noſtre dit Seignur le Roy & non obſtante aucune prohibition faite ou affaire a contraire.

'ITEM, It is ordained and eſtabliſhed, That the Fermors, and all Manner of Occupiers of the Manors, Lands, Tenements, and other Poſſeſſions of Aliens ſhall pay and be bound to pay, all Manner of *Diſmes* thereof due to Parſons and Vicars of holy Church, in whoſe Pariſhes the ſame Manors, Lands, Tenements, and Poſſeſſions be ſo aſſeſſed and due, as the Law of holy Church required, notwithſtanding that the ſaid Manors, Lands, Tenements, or other Poſſeſſions be ſeized into the King's Hands, or notwithſtanding any Prohibition made or to be made to the contrary.'

Regiſt. 179 b.

CAP. XII.

Execution may be awarded upon a Statute once ſhewed in Court.

ITEM ordeignez eſt & eſtabliz qe qaunt aſcun eſtatut marchant ſoit certifie en la Chauncellarie & ſur ceo brief agarde al viſcont & retourne en le commune bank & leſtatut illoeques un foitz monſtre qe combien qe le proceſſe apres celle demonſtrance ſoit diſcontinue qa quele heure qe la partie ſue de recontinuer le proceſſe & davoir execution del eſtatut marchant qe les Juſtices del bank en quel leſtatut feuſt un foitz monſtrez puiſſent ſur celle record faire & agarder plein execution del eſtatut marchant avauntdit ſanz avoir de ceo autrefoitz vieu ou demonſtrance enapres & qe ceſt eſtatut tiegne lieu de toutz eſtatutz marchantz a ceſt foitz nient pleinement executz.

'ITEM, It is ordained and eſtabliſhed, That when any Statute Merchant is certified into the Chancery, and thereupon a Writ awarded to the Sheriff, and returned into the Common Place, and the Statute there once ſhewed, that howſoever the Proceſs after the ſame ſhewing be diſcontinued, that at what Time the Party ſueth to have the Proceſs recontinued, and to have Execution of the Statute Merchant aforeſaid; that the Juſtices of the Bench, where the Statute was once ſhewed, may upon the ſame Record make and award full Execution of the Statute Merchant aforeſaid, without having the Sight or ſhewing thereof another Time after; and that this Statute hold Place of all Statutes Merchant, not fully executed at this Time.'

CAP. XIII.

What Things may be gilded and laid on with Silver or Gold, and what not.

Ex Rot. in Turr. Lond.

" ITEM, Whereas many fraudulent Artificers, " imagining to deceive the common People, do " daily make Locks, Rings, Beads, Candleſticks, " Harneſs for Girdles, Hilts, Chalices, and Sword- " pomels, Powder-boxes, and Covers for Cups, of " Copper and of Latten, and the ſame overgilt and " ſilver like to Gold or Silver, and the ſame ſell and " put in Gage to many Men, not having full Know- " ledge thereof, for whole Gold and whole Silver, to " the great Deceit, Loſs, and Hindrance of the com- " mon People, and the Waſting of Gold and Silver;" ' it is ordained and eſtabliſhed, That no Artificer, ' nor other Man whatſoever he be, from henceforth ' ſhall gilt nor ſilver any ſuch Locks, Rings, Beads, ' Candleſticks, Harneſs for Girdles, Chalices, Hilts, ' nor Pomels of Swords, Powder-boxes, nor Covers ' for Cups, made of Copper or Latten, upon Pain to ' forfeit to the King C s. at every Time that he ſhall ' be found guilty, and to make Satisfaction to the ' Party grieved for his Damages; but that (Chalices ' always excepted) the ſaid Artificers may work, or ' cauſe to be wrought, Ornaments for the Church of ' Copper and Latten, and the ſame gilt or ſilver, ſo ' that always in the Foot, or in ſome other Part of ' every ſuch Ornament ſo to be made, the Copper and ' the Latten ſhall be plain, to the Intent that a Man ' may ſee whereof the Thing is made, for to eſchew ' the Deceit aforeſaid.'

Enforced by 8 H. 5. c. 3. *with additional Penalty.*

ITEM por ce qe pleuſurs deſloialx artificers ymaginant a deceiver le commune poeple font de jour en autre firmalx anelx bedes chandelers gipſerrynges chalices hiltes & pomelx deſpeies pouder-boxes lienes & burſels pur hanapes de cupre & de laton & les ſuiſorront & ſuiſargentent ſemblables a or & argent & les vendent & mettent a gage as pluſours hommes nient eiantz pleine coniſſance de ce pur or entier & argent entier a grant deceit perde & arreriſſement de commune poeple & anientiſſement & deſtruction dor & dargent ordeignez eſt & eſtabliz qe nul artificer nautre homme qeconqe deſore enavant ſuiſorre ne ſuiſargente nulles tielx firmalx anelx bedes chandelers gipſerrynges chalices hiltes ne pomelx des eſpeies pouderboxes lienes ne burſels pur hanapes faitz de cupre ou de laton ſur peine de forfaire au Roy C s. a cheſcun foitz qil ſerra trovez coupable & de faire gree a partie pur ſes damages Mais qe chalices touteditz exceptz les ditz artificers purront faire & overer ornamentz de Seinte eſgliſe de cupre & de laton & les ſuiſorrer & ſuiſargenter parainſi toutesfoitz qen la pie ou en autre partie de cheſcun ornament enſi affaire ſoit la cupre ou laton plain a fyn qe homme purra veier dont la choſe eſt faite pur eſchuir la deceit avauntdite.

CAP. XIV.

Inrolling of Writs in the common Place whereupon Fines be levied.

" ITEM, Whereas many Feet of Fines of Lands " and Tenements within the Realm of *England* " remaining in the King's Treaſury, and the Notes of " ſuch Fines remaining in the common Bench, have " been before this Time imbeſilled, and other Feet " and Notes of Fines falſly counterfeit and ſet in their " Places, by Deceit and Falſhood of ſome, whereby " many People of the Realm have been greatly enda- " maged before this Time, and may be diſherited in " the Time to come;" ' it is ordained and eſtabliſhed, That all the Writs of *Covenant*, and all ' other Writs whereupon Fines ſhall be levied in Time ' to come, with the Writs of *Dedimus poteſtatem*, if ' any be, with all Knowledges and Notes of the ſame, ' before that they be drawn out of the common Bench ' by the Cyrographer, ſhall be inrolled in a Roll, to ' be of Record for ever, to remain in the ſafe Cuſtody ' of the chief Clerk of the common Bench, and of his ' Succeſſors, for the old Fee of xxii Pence, accuſtomed ' to be paid to the chief Clerk, for the entering of the ' Concord of every Fine, without paying any more; ' to the Intent that if the Notes in the Cuſtody of ' the Cyrographer, or the Fines, be imbeſiled, a Man ' may have Recourſe to the ſaid Roll, to have Execution thereof, as he ſhould have if the Fines were not ' imbeſiled; and that all the Writs of *Covenant*, ' and all other Writs whereupon Fines have been ' levied in Times paſt, ſhall be alſo of Record. ' And moreover, all the Fines that were now late

5 Co. 39.

ITEM pur ce qe pluſeurs pies des fins des terres & tenementz deinz le Roialme dEngleterre demurrantz en le treſore noſtre Seignur le Roi & les notes de tielx fyns demurantz en le commune Bank aient eſte devant ces heures embeſillez & autres pies & notes de fyns fauxement contreovez & mys en lour lieux par deceit & commettement daucuns par ont pleuſours des gentz de Roialme ont eſte grandement endamages avant ces heures & purront eſtre diſheritez en temps advenir ordeignez eſt & eſtablez qe toutz les briefs de covenant & toutz autres briefs ſur queux fyns ſerront levez en temps avenir oveſqe les briefs de dedimus poteſtatem ſi aucuns y ſoient ove toutz les conuſances & notes dicelles avant ce qils ſoient treihez hors de commune bank par le cirograffer ſoient enrollez en un rolle deſtre de recorde pur toutz jours a demurrer en la ſauſe garde du chief clerk du commune Bank & de ſez ſucceſſours ſoubz launcien fee de vingt & deux deniers accuſtume a paiers au chief clerk pur lentree daccorde de cheſcun fyn ſanz plus outre paier au fyn qe ſi les notes en la garde de cirograffer au les fyns ſoient embeſilez qe lem avera recours au dit rolle pur ent avoir execution come il averoit ſi les fynes ne fueſſent point embeſillez & qe toutz les briefs de covenantz & toutz autres briefs ſur queux fyns ont eſte levez du temps paſſe ſoient auxi de record & enoutre de toutz les fyns queux ſont ore tarde embeſilez en le treſorie noſtre

Seignur

Ex Rot. in Turr. Lond.

Seignur le Roi par gentz diſconuz qe les notes & briefs de covenantz des ditz fyns embeſilez demurantz en le garde de cirographer ſi purront eſtre trovez qe a la partie monſtrant partie des ditz fyns embeſilez tielx notes & briefs de covenant demoergent de recorde ſi avant come meſmes ceux fyns euſſent eſte ſi nul embiſilement diceux neuſt eſte faite.

'imbeſiled in the Treaſury of our Lord the King by 'Perſons unknown, if the Notes and the ſame Writs 'of *Covenant* of ſuch Fines imbeſilled remaining in 'the Cuſtody of the Cyrographer may be found, that 'then to the Party ſhewing Part of the Fines imbe-'ſiled, ſuch Notes and Writs of *Covenant* ſhall re-'main of Record as far forth as the ſame Fines ſhould 'have been, if no imbeſilling thereof had been made.'

CAP. XV.

The King's Pardon of the Suit of his Peace, Treaſons, Rebellious Treſpaſſes, *&c.* with ſome Exceptions. EXP.

Statutes made at Coventry, Anno 6 HEN. IV. *and* Anno Dom. 1404.

CAP. I.

In Turr. Lond. *m.* 10.

The Penalty of thoſe which pay to the Court of *Rome* more for the Firſt-fruits of any Biſhoprick, *&c.* than had wont to be paid. OB. *by* 25 H. 8. c. 20.

CAP. II.

The Statute of 1 *H.* 4. *c.* 6. touching Petitions to be made to the King for Lands, Offices, *&c.* ſhall not extend to the Queen or Princes. EXP.

CAP. III.

Commiſſions ſhall be ſent to inquire of the Accompt of Sheriffs, Eſcheators, *&c.*

ITEM por ceo qe pluſours des viſcountz eſchetours alnyours cuſtumers countrollers & autres officers noſtre Seignur le Roy acomptablez en pleuſours parties del Roialme defraudent & deſceyvent noſtre dit Seignur le Roy annuelement ſur lour deſloialx & nient verroiez accomptz concelantz & retenantz a lours propres oeps la greindre partie de ceo qu droiturelment apertener deveroit a noſtre Seignur le Roy avaundit a ſon treſgraunte damage & perde Noſtre dit Seignur le Roy de ladvis & aſſent ſuiſditz ad ordeignez qe meyntenaunt apres cheſcun final acompt renduz & faitz par les officers & cuſtumers avaunditz devaunt les Barons de leſcheqer noſtre dit Seignur le Roi le tenure de lacompt de cheſcun des ditz officers de mote en mote ſoit envoie as countees en les queux les ditz acomptantz eſtoient officers enſemblement ove commiſſions directz a les plus loialx & diſcretes perſones pur enquerrer & certifier de les profitz queux les acomptantz avaunditz ount receuz deinz les countees ſuiſditz en noun & al oeps noſtre dit Seignur le Roi par eux en manere avaundit ſur lour ditz acomptz a lours propres oeps & profet deſceivablement concelez & retenuz. Et en cas qe les ditz acomptantz ſoient atteintz de lour dit fraudes & deſceites qils encourgent a noſtre dit Seignur le Roi la peyne de la treble de ce dont ils ſerront convictz & lour perſones a priſone tanqe ils aient fait fyne & raunceon a noſtre Seignur le Roi avaundit ſolonc la diſcretion de ſez Juges.

"ITEM, Whereas divers of the Sheriffs, Eſchea- 4 Inſt. 117.
"tors, Aulnegers, Cuſtomers, Comptrollers, and
"other the King's Officers, accomptable in many
"Parts of the Realm, do defraud and deceive our ſaid
"Lord the King yearly in their unlawful and untrue
"Accompt, concealing and receiving to their own
"Uſe the greater Part of that which rightfully ought
"to pertain to the King, to his great Damage and
"Loſs;" 'our ſaid Lord the King, by the Ad-'vice and Aſſent aforeſaid, hath ordained, That pre-'ſently after every final Account given and made by 'the Officers and Cuſtomers aforeſaid before the Ba-'rons of the Exchequer of our Lord the King, the 'Tenour of the Accompt of every of the ſaid Officers 'from time to time ſhall be ſent into the Counties 'where the ſame Accomptants be Officers, together 'with Commiſſions directed to the moſt lawful and 'diſcreet Perſons, to inquire and certify the Profits 'which the ſaid Accomptants have received within 'the ſaid Counties, in the Name and to the Uſe of 'our ſaid Lord the King, by them in the Manner 'aforeſaid upon their ſaid Accompts deceitfully con-'cealed and received to their own proper Uſe and 'Profit. And in caſe that the ſaid Accomptants 'be attainted of their ſaid Frauds and Deceits, they 'ſhall incur to our Lord the King the Penalty of the 'Treble of the ſame whereof they ſhall be ſo convict, 'and their Bodies to Priſon, until they have made Fine 'and Ranſom to our ſaid Lord the King, according to 'the Diſcretion of his Judges.'

CAP.

CAP. IV.

Aliens ſhall not carry forth of the Realm Merchandiſes brought in by Aliens.

A Repeal of ſo much of the Statute of 5 H. 4. c. 9. as doth aſſign Merchants Aliens to ſell their Merchandiſe within a Quarter of a Year.

" ITEM, Whereas in the Parliament holden at *Weſtminſter*, amongſt other Things it was ordained, That the Merchants Aliens and Strangers ſhould ſell their Merchandiſes within a Quarter of a Year next after the coming thereof into the Realm;" our Lord the King ſeeing the ſaid Ordinance hurtful and prejudicial, as well for himſelf and his Realm, as for the ſaid Merchants Aliens and Strangers, by the Advice and Aſſent aforeſaid, hath ordained and ſtabliſhed, That the ſaid Ordinance be utterly void and adnulled for ever; and that the ſame Merchants Aliens and Strangers be at their free Diſpoſition, to ſell their Merchandiſes in the Manner as they did before the making of the ſaid Ordinance; ſaving always the Franchiſes and Liberties of the City of *London*. And further provided always, That the ſaid Merchants Aliens and Strangers ſhall not carry or cauſe to be carried out of the Realm, any Merchandiſes brought within the Realm by the Merchants Aliens and Strangers aforeſaid.'

Ex Rot. in Turr. Lond.

ITEM come en le darrein parlement tenuz a Weſtm' entre autres choſes ordeignez eſtoit qe les merchantz aliens & eſtranges venderoient lour merchandiſez deinz un quartre dun an proſchein apres lour venue en ycelle Roialme noſtre Seignur le Roi veiant la dite ordinance molt damageouſe & meſchevous ſibien pur luy meſmes & ſon Roialme come pur les ditz merchantz aliens & eſtranges de ladvys & aſſent ſuiſdites ad ordeignez & eſtabliz qe la dite ordinance ſoit de tout voide & adnullez pur toutz jours & qe meſmes les merchantz aliens & eſtrangez ſoient a lour liberale diſpoſition a vendre leur dites merchandiſes en manere come ils feurent devaunt la faiſance du dite ordinance Sauvez toutesfoitz les franchiſes & libertees de la Citee de Londres. Et purveux auxi toutesfoitz qe les ditz marchantz aliens & eſtranges nameſnént ne facent ameſner aucunement hors du Roialme aucunes merchandiſes ameſnez deinz meſme le Roialme par les merchantz aliens & eſtranges avauntditz.

Statutes made at Weſtminſter, Anno 7 HEN. IV. *and* Anno Dom. 1405.

Ex Rot. in Turr. Lond. *m.* 12.

" OUR Lord the King, at his Parliament holden at *Weſtminſter* the firſt Day of *March*, the ſeventh Year of his Reign, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the Requeſt of the Commons in the ſame Parliament, hath ordained and eſtabliſhed divers Ordinances and Statutes in the Form as followeth."

NOSTRE Seignur le Roi a ſon parlement tenuz a Weſtm' le primere jour de Marce lan de ſon regne vij^me de ladvis & aſſent des Seignurs eſpirituelx & temporelx & a la requeſt des communes en meſme le parlement ad ordeignez & eſtabliz diverſes ordinances & eſtatutz en la forme qenſeute.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Cities and Perſons, &c. and of all Statutes not repealed. Peace ſhall be kept, &c.

' FIRST, That holy Church have all her Liberties and Franchiſes; and that all the Lords Spiritual and Temporal, and all the Cities, Boroughs, and Towns franchiſed, have and enjoy all their Liberties and Franchiſes, which they have of the Grant of the King's Progenitors, and of the Confirmation and Grant of our Lord the King that now is. And that the Great Charter, and the Charter of the Foreſt, and all the Ordinances and Statutes made in the Time of our Lord the King, and in the Time of his Progenitors, not repealed, be firmly holden and kept, and duly executed in all Points. And that the Peace within the Realm be holden and kept, ſo that all the King's liege People and Subjects may from henceforth ſafely and peaceably go, come, and abide, according to the Laws and Uſages of the ſame Realm. And that good Juſtice and even Right be done to every Perſon; ſaving to the ſame our Lord the King his Regalty and Prerogative.'

1 H. 4. c. 1. *H.* 4. c. 1.

PRimerement qe ſeint eſgliſe eit toutz ſez libertees & fraunchiſes & qe toutz les Seignurs eſpirituelx & temporelx & toutz les citees burghs & villes enfraunchiſes aient & enjoient toutz les libertees & fraunchiſes queux ils ont du graunte des progenitours noſtre dit Seignur le Roy & de la confirmation & du graunte meſme noſtre Seignur le Roy. Et qe la Grande Chartre & la chartre de la Foreſt & touz les ordinances & eſtatutz faitz en temps noſtre dit Seignur le Roy & en temps de ſes ditz progenitours nient repellez ſoient fermement tenuz gardez & duement executz en toutz pointz. Et qe la paix deinz le Roialme ſoit tenuz & gardez iſſint qe toutz ſes loialx lieges & ſubgitz meſme noſtre Seignur le Roy purront deſore ſauvement & paiſiblement aler venir & demurrer ſolonc les loyes & uſages de meſme le Roialme. Et qe bone juſtice & ovel droit ſoit fait a cheſcuny ſauvaunt a meſme noſtre Seignur le Roy ſes regalie & prerogative.

CAP.

CAP. II.

The Realms of *England* and *France* intailed to the King and his four Sons by Name.

Ex Rot. in Turr. Lond.

ITEM de la requeſt & de laſſent des ditz Seignurs & communes en dit parlement ordeignez eſt & eſtabliz qe lenheritement de la corone & de les Roialmes dEngleterre & de Fraunce & de toutz les autres Seignuries noſtre dit Seignur le Roy pardelea la meer oveſqe toutz les appurtenances ſoit mys & demoerge en la perſone meſme noſtre Seignur le Roy & en les heirs de ſon corps iſſantz & en eſpecial a la requeſt & de laſſent ſuiſditz ordeignez eſt & eſtabliz prononciez deſcernez & declarrez qe monſieur le Prince HENRY eiſne fitz noſtre Seignur le Roy ſoit heir apparant meſme noſtre Seignur le Roy pur luy ſucceder en les ſuiſditz corone Roialmes & Seignuries pur les avoir ove toutz les appurtenances apres le deces dicell noſtre Seignur le Roy a luy & a ſes heirs de ſon corps iſſantz. Et ſil devie ſanz heir de ſon corps iſſant qadonqes toutez les ſuiſdites corone Roialmes & Seignuries ove toutz les appurtenances remaignant a mon Seignur Thomas ſecunde fitz noſtre dit Seignur le Roy & a les heirs de ſon corps iſſantz. Et ſil devie ſanz iſſue de ſon corps iſſant qadonqes toutz les ſuiſditz corone Roialmes & Seignuries ove toutz les appurtenances remaignent a mon Seignur John tierce fitz meſme noſtre Seignur le Roy & a ſes heirs de ſon corps iſſantz. Et ſil devie ſanz heir de ſon corps iſſant qadonqes toutz les ſuiſdit corone Roialmes & Seignuries ove toutz les appurtenances remaignent a monſieur Umfrey quart fitz noſtre dit Seignur le Roy & a ſes heirs de ſon corps iſſantz.

CAP. III.

The Rolls of Eſtreats ſhall be made certain.

ITEM pur ce qe pluſours gentz de Roialme perdont iſſues fines & amerciamentz en la court noſtre Seignur le Roy a la ſuyte daſcune partie & auxi iſſues & amerciamentz en enqueſtes & jures es queux ils ſont enpanelles parentre partie & partie en la court avauntdite Sur qoy les baillifs des viſcountz & lours reſceivours & baillifs des franchiſes & lours reſceivours qui coillent la verte cere levont les iſſues fines & amerciamentz avaunditz par eſtretes a eux maundez & liverez hors de la place ou ils furent forfaitz par obſcures & dotifs parols contenantz la ſome iſſint perdue nient feſantz mention par expreſſe parol de cauſe de la perde ne del jour del terme nentre quelx parties ne la nature del brief es queux ycelles iſſues fynes & amerciamentz furent perduz iſſint qe les miniſtres avauntditz levont la ſome deux foitz ou trois foitz & aucune foitz la double ſomme contenue en leurs eſtretes a grand grevance & empoveriſſement de tout le poeple Ordeignez eſt & eſtabliz qe les Juſtices & Jugges devaunt queux iſſues & amerciamentz ſont & ſerront forfaitz en temps advenir chargent les clercs des eſtretes en les places en les queux les iſſues & amerciamentz ſont ou ſerront forfaitz par leur ſerementz de faire & qils facent les rolles des eſtretes des ditz iſſues & amerciamentz diſtinctement par expreſſe parol del cauſe del perde del terme del an & de la nature del brief & parentre queux parties tielx iſſues & amerciamentz ſont ou ſerront perduz ſibien en la ſuite du Roy come en la ſuite de partie & qe leſtatut fait en temps le Roy E. tierce lan de ſon regne xlii. de coillet de vert cere ſoit tenuz & gardes en toutz pointz.

"ITEM, Whereas divers People of the Realm do loſe Iſſues, Fines, and Amerciaments in the Court of our Lord the King, at the Suit of any Party, and alſo Iſſues and Amerciaments in Inqueſts and Juries, wherein they be impanelled betwixt Party and Party in the ſaid Court; whereupon the Bailiffs of Sheriffs and their Receivers, and the Bailiffs of Franchiſes and their Receivers, which gather the green Wax, do levy the ſame Iſſues, Fines, and Amerciaments by Eſtreats ſent to them, and delivered out of the Place where they were forfeit, by obſcure and ambiguous Words, containing the Sum ſo loſt, not making mention by expreſs Words of the Cauſe of the Loſs, nor the Day of the Term, nor betwixt what Parties, nor the Nature of the Writ in which the ſame Iſſues, Fines, and Amerciaments were loſt, ſo that the ſaid Officers do levy the Sum two or three Times, and ſometime the double Sum contained in their Eſtreats, to the great Grief and Impoveriſhing of all the People;" "it is ordained and eſtabliſhed, that the Juſtices and Judges, before whom ſuch Iſſues or Amerciaments be or ſhall be forfeit, in time to come ſhall charge the Clerks of the Eſtreats in the Places where ſuch Iſſues and Amerciaments be or ſhall be forfeit, by their Oath to be made, that they make the Rolls of the Eſtreats of ſuch Iſſues and Amerciaments diſtinctly by expreſs Word, of the Cauſe of the Loſs, of the Term, of the Year, and the Nature of the Writ, and betwixt what Parties ſuch Iſſues and Amerciaments be or ſhall be loſt, as well in the King's Suit, as in the Suit of the Party; and that the Statute made in the Time of King EDWARD the Third, the two and fortieth Year of his Reign, for gathering of green Wax, be holden and kept in all Points.'

A Confirmation of the Statute of 42 Ed. 3. c. 9. touching gathering of green Wax.

CAP.

CAP. IV.

No Protection allowable for a Gaoler which letteth a Prisoner escape.

Ex Rot. in Turr. Lond.

"ITEM, Because that when divers Persons, being "Debtors, be condemned to their Creditors by due "Process of the Law, and committed to Prison, that "is to say, to the Gaols of the *Marshalsea*, *King's* "*Bench*, *Fleet*, and other Prisons, in divers Cities, "Boroughs, and Towns within the Realm, the War- "dens of the Gaols and Prisons aforesaid, of their "own Authority, do let the said Debtors to go at large
1 R. 2. c. 12. "at their Will; and whereas by a Statute it was "ordained, That if any Gaoler do let such Prisoner "to go by Mainprise, or in Bail, that then the Person "to whom the Prisoner is condemned, shall have his "Action and Recovery against the said Gaoler, "the same Wardens do purchase to them the King's "Protection, whereby the said Creditors by the same "Protection be delayed and deferred from their Duty "and rightful Recovery, as well against the said War- "dens of the said Gaols, as against the said Prisoners, "to the great Damage and Prejudice of the common "People, and Derogation of the Common Law:" 'it is ordained and established, That no Protec- 'tion be available, nor by any Means allowed in such
13 Ed. 1. stat. 1. c. 11. 'Case.'

ITEM pur ceo qe quant diverses gentz dettours sont condempnes a leurs creditours par due proces du loy & commys a prisone cestassavoir as gaoles de Mareschalchie Bank du Roy Flete & aillours as autres prisones en diverses cittees villes & burghs deinz le Roialme les gardeins des gaoles & prisones suisditz de leur propre auctorite lessent les dettours suisditz aler a large a leur volunts & la ou par estatut est ordeigne qe si aucune gaoler lesseroit tiel prisoner aler a large par mainprise ou en baille cadonqes la persone envers qi le dit prisoner estoit condempne averoit sa actione & recoverer envers le dit gaoles mesmes yceux gardeins purchacent a eux mesmes protection du Roy parency qe les creditours suisditz par ycelles protections sont delaiez & tariez de leur duete & droiturele recoeverer sibien envers les ditz gardeins des gaoles come les prisoners suisditz a tresgrand prejudice & damage del commune poeple & derogation de la commune loy ordeignez est & establiz qe nul protection soit vaillable ne allouable nacunement alloue en tiel cas.

CAP. V.

EXP. 5 H. 4. c. 1. The King shall not have the Forfeiture of those Lands whereof certain Traitors were seised to the Use of others.

CAP. VI.

OB. 13 R. 2. stat. 2. c. 2 & 3. 2 H. 4. c. 4. The Penalty of him which purchaseth a Bull to be discharged of Tithes.

See 13 El. c. 2. for the Penalty of bringing Bulls, &c. from Rome.

CAP. VII.

Arrow-heads shall be well boiled, brased, and hard.

"ITEM, Because the Arrow-smiths do make many "faulty Heads for Arrows and Quarels, defective, "not well, nor lawful, nor defensible, to the great "Jeopardy and Deceit of the People, and of the "whole Realm;" 'it is ordained and established, 'That all the Heads for Arrows and Quarels after 'this Time to be made, shall be well boiled or brased, 'and hardened at the Points with Steel; and if 'any of the said Smiths do make to the contrary, they 'shall forfeit all such Heads and Quarels to the King, 'and shall be also imprisoned, and make a Fine at the 'King's Will; and that every Arrow-head and Qua- 'rel be marked with the Mark of him that made the 'same. And the Justices of Peace in every County 'of *England*, and also the Mayor and Sheriffs, and
Justices of Peace, and chief Officers of Cities, &c. may inquire of and punish Offenders. 'Bailiffs of Cities and Boroughs, within the same 'Cities and Boroughs, shall have Power to enquire 'of all such deceitful Makers of Heads and Quarels, 'and to punish them as afore is said.'

ITEM pur ceo qe les arrousmythes font plusours testes de setes & quarelx defectifs nient bien ne loialment ne deffensablement a grant perill & desceit du poeple & de tout le Roialme Ordeignez est & establiz qe toutz les testes de setes & quarels desore enavaunt affairs soient boilles ou brases & dures a la point dasser & si aicuns des ditz arrousmythes les facent a contraire qils forsfacent toutes tielx testes & quarels au Roy & soient empriſonez & ent facent fyn a la volunte du Roy. Et qe chescun teste des setes & quarels soit seigne dune signe de celuy qe le fist. Et eient les justices de la pees en chescun counte dEngleterre & auxi les mairs viscontes & baillifs des citees & burghs deinz mesmes les citees & burghs poair denquer des toutz tieux faux fesours de testes & quarels & de les punir par manere come dessuis est dit.

CAP. VIII.

No Provision, Licence, or Pardon shall be granted of a Benefice full of an Incumbent.

25 Ed. 3. stat. 6. "ITEM, To eschew many Dissensions, Discords "and Debates, and divers other Mischiefs very 'like to rise & grow because of many Provisions

ITEM pur eschuir plusours dissensions discordez & debates & diverses autres meschiefs verray semblables a sourdre & avenir a cause des plusours provisions

Ex Rot. in Turr. Lond.

proviſions faitz & affairs par lappoſtoill & auxi a cauſe des licences ſur ce grantez par le Roi noſtre ſoveraigne Seignur Ordeignez eſt & eſtabliz qe nul tiel licence ou pardon ainſi graunte devant ces heures ne a grantier en temps advenir ne ſoit vailable a aſcune benefice plein daucun incumbent a jour de la date de tiel licence ou pardone grante.

'made, and to be made, by the Pope, and alſo in 'reſpect of Licences granted upon the ſame by the 'King our Sovereign Lord; it is ordained and eſ-'tabliſhed, That no Licence or Pardon ſo granted 'before this Time, nor to be granted in Time to 'come, ſhall be available to any Benefice full of any 'Incumbent, at the Day of the Date of ſuch Licence 'or Pardon granted.' *Enforced by* 3 H. 5. c. 4.

CAP. IX.

All Merchandiſes may be ſold in groſs, as well to all others, as to Citizens of *London*.

ITEM come a la grevouſe compleint des ditz communes fait en parlement ſoit monſtrez coment dancien temps uſez eſtoit & accouſtumez qe ſibien les drapers & vendours des draps de queconqe lieu de Roiaume repairantz & confluantz al Citee de Loundres come autres merchantz ove diverſes merchandiſes come de vyns feer oile & cere & autres choſes appurtenantz as merchandiſes excerceantz & repairantz & confluantz al dite Citee ont achatuz & vanduz en gros ſibien ove aliens come deinzeins de les draps & autres merchandiſes ſuiſditz a lour volunte & pleiſer paiantz en ycelle partie tantſoulement cuſtumes & autres devoirs ent reſonablement duez & unqes par meſme le temps ne furont deſtourbez ou en aſcune manere impedez de vendre ou achater en gros ove merchantz aliens ou denzeins de tielx draps & merchandiſes a lour volunte & pleiſer mes ſolement a retaill Et ja ſoient ſibien les ditz drapers come les autres merchantz ſuiſditz par les Mair Viſcountz Aldermannes drapers & marchantz de Loundres deſtourbez de jour en autre de vendre & achater en la manere ſuiſdit ſibien en gros come a retaill & grevouſement & continuelement conſtreintz de vendre lour draps & merchandiſes ſuiſditz tantſoulement as merchantz & autres enhabitantz la dite Citee a ſinguler avauntage & profit deux de Loundres & ſibien commune damage & perde des Seignurs eſpirituelx & temporelx & les communes du Roiaume come de les ditz drapers & merchantz enſi grevez & evident enſample & occaſion as tielx drapers & merchantz enſi grevez de lour retraiher de la dite Citee enavaunt ſi remede ne ſoit purveu le pluiſtoſt en ceſt partie Ordeignez eſt & eſtabliz qe ſibien les drapers & vendours des draps come autres merchantz ove lour diverſes merchandiſes come de vyns ferre ſeel & cere & autres choſes appurtenauntz as merchandiſes ſoient francz de vendre en gros lour draps ferre ſeel & cere & autres lour merchandiſes ſibien as quelxconqes lieges du Roy come a les citezeins de Londres non obſtant aucune franchiſe ou libertees grauntez a contraire.

"ITEM, Whereas at the grievous Complaint made "by the Commons in the ſaid Parliament, it is "ſhewed, how that in old Time it was uſed and ac-"cuſtomed, that as well the Cloth-makers and Dra-"pers of whatſoever Place of the Realm, repairing "and having Recourſe to the City of *London*, as other "Merchants, with divers Merchandizes, as Wine, "Iron, Oil, and Wax, and other Things pertaining "to Merchandiſe, exerciſing, repairing, and having "Recourſe to the ſaid City, have bought and ſold in "Groſs, as well with Aliens as with Denizens, of "the Cloths and other Merchandiſes aforeſaid, at "their Will and Pleaſure, paying in this Behalf only "the Cuſtoms and other Devoirs thereof reaſonably "due; and never in all the ſaid Time were diſ-"turbed, or in any Manner hindred to ſell or buy "in Groſs with Merchants, Aliens, or Denizens, of "ſuch Cloths and Merchandiſes, at their Will and "Pleaſure, but only to retail; and now of late as "well the ſame Cloth-makers, as other the Mer-"chants aforeſaid, by the Mayor, Sheriffs, Aldermen, "Drapers, and Merchants of *London*, be daily diſ-"turbed and let, to ſell and buy in the Manner afore-"ſaid, as well in Groſs as in Retail, and grievouſly "and continually conſtrained to ſell their ſaid Cloths "and Merchandiſes only to the Merchants and Inha-"bitants of the ſaid City, to the ſingular Profit and "Advantage of them of *London*, and alſo to the 8 Co. 128. "Damage and Loſs of the Lords Spiritual and Tem-"poral, and the Commons of this Realm, as of the "ſaid Cloth-makers and Merchants ſo grieved, and "a plain Enſample and Occaſion to ſuch Cloth-"makers and Merchants ſo grieved, to withdraw "themſelves from the ſaid City from henceforth, if "Remedy be not rather provided in this Behalf;" 'it is ordained and eſtabliſhed, That as well the 'Drapers and Clothſellers, as other Merchants, with 'their ſundry Merchandiſes, as of Wine, Iron, Oil, 'and Wax, and other Things pertaining to Merchan-'diſes, ſhall be free to ſell in Groſs their Cloths, Iron, 'Oil, and Wax, and other their Merchandiſes, as 'well to all the King's liege People, as to the Citizens 'of *London*, notwithſtanding any Franchiſe or Liberty 'granted to the contrary.'

CAP. X.

The Length and Breadth of Cloth of Ray and Coloured.

Repealed by 5 & 6 Ed. 6. c. 6. 43 El. c. 10. 4 Jac. 1. c. 2.

CAP. XI.

Commiſſioners not receiving a Commiſſion ſhall be diſcharged upon Oath.

ITEM come pleuſeurs des lieges noſtre Seignur le Roy ſoient aſſignez par les commiſſions pur faire & parfournir la contenue dicelles aucuns doier

"ITEM, Whereas many of the King's liege Peo-"ple be aſſigned by his Commiſſions to do and "perform the Content of the ſame, ſome to hear and "determine

" determine, ſome to enquire and certify, and otherwiſe, whereby the ſame Commiſſioners be grievouſly diſtrained by Proceſs out of the Exchequer, by reaſon of the ſaid Commiſſions, and by that Occaſion do loſe great Iſſues, where the ſaid Commiſſioners did never know of ſuch Commiſſions, nor the ſame Commiſſions ever came to their Hands, to the great Damage and Hindrance of many of the King's Subjects;" 'it is ordained and eſtabliſhed, That the Barons of the Exchequer ſhall have Power to receive the Oath of ſuch Commiſſioners of their Excuſe and Diſcharge of the Receipt or Occupation of the ſaid Commiſſions; and alſo that the ſame Barons of the Exchequer, and the Juſtices of the one Bench and the other, ſhall have Power, by Writ of *Dedimus Poteſtatem*, to receive ſuch Oaths in the Country; and that the ſame Juſtices ſhall thereof certify the ſaid Barons in the Exchequer from time to time, and that upon the ſame, the ſaid Barons ſhall diſcharge the ſaid Commiſſioners; and in like wiſe it ſhall be done for the Heirs, Executors, or Land-Tenants of the ſaid Commiſſioners. Provided always, That ſuch Oaths be not taken but in Caſe of Commiſſions of *Oyer* and *Determiner*, and of Enquiry and Certifying only.'

4 H. 4. c. 9.

Ex Rot. in Turr. Lond.

& terminer & aucuns denquere & certifier & autrement par ont meſmes les commiſſioners ſont grevouſement conſtreintz par proces hors de leſcheqer par cauſe des ditz commiſſions Et par celle cauſe perdont grandes iſſues la ou les ditz commiſſioners unqes ne feurent ſachantz de tielx commiſſions ne unqes meſmes les commiſſions deveindront en lour mains a grand damage & diſeaſe des pluſours des lieges du Roy ordeignez eſt & eſtabliz qe les Barons de leſcheqer aient poair de reſceiver les ſermentz de tielx commiſſioners de leurs excuſation & diſcharge de la reſceit ou occupation de tielx commiſſions. Et auxi qe meſmes les Barons & les Juſtices de lun Banc & de lautre aient poair par breve de dedimus poteſtatem de reſceiver tielx ſerementz en paiis Et qe meſmes les Juſtices ent certifient les ditz Barons en Leſcheqer de temps en temps Et qe ſur ce meſmes les Barons diſchargent les ditz commiſſioners & ſemblablement ſoit fait pur les heirs executors ou terretenantz dicelles commiſſioners. Purveux toutesfoitz qe tielx ſerementz ne ſoient priſes mes en cas de commiſſions doier & terminer & denquer & certifier tentſoulement.

CAP. XII.

EXP. 5 H. 4. c. 1. 7 H. 4. c. 5.

Thoſe Lands ſhall not be forfeited to the King, whereof Traitors were ſeized to the Uſe of others.

CAP. XIII.

Impotent Perſons that be outlawed may make Attornies.

" ITEM, Whereas many of the King's liege Peo-
" ple be outlawed, and many waved, by erroneous
" Proceſs in Law, and be ſo impotent in their Bodies,
" by divers Maladies and Infirmities, that they cannot
" come in their proper Perſons before the King in his
" Bench, there to make their Suit to reverſe ſuch er-
" roneous Proceſs;" 'it is ordained and eſtabliſhed, That every Juſtice of the one Bench and of the other, and alſo the chief Baron of the Exchequer, ſhall have Power to examine the ſame Perſons, having ſuch Malady and Diſeaſes openly known, and thereupon may the ſame Juſtices and Baron, and every of them, by their Diſcretion, record their Attorney in this Caſe. Provided always, That in the Writ of *Capias ad ſatisfaciendum* the common law ſhall hold Place.'

Capias ad ſatisfaciendum.

ITEM pur ceo qe pluſours des lieges du Roy ſont utlages & pluſours waiviez par proces erroine du loye & ſont ſi impotentz de leurs corps par diverſes maladies & infirmitees qils ne purront en leurs propres perſones venir devaunt le Roy en ſon Banc illoeqes affaire leur ſeute pur tiel proces erroine reverſer Ordeignez eſt & eſtabliz qe cheſcun Juſtice de lun Banc & de lautre & auxi le Chief Baron de Leſcheqer ait poair dexaminer ycelles perſones aiants tiels maladies & infirmitees overtment conuz & ſur ce purront meſmes les Juſtices & Baron & cheſcun de eux par lours diſcretions recorder attourne en ceſt cas. Pourveux toutesfoitz qen le breve de capias ad ſatisfaciend' courge la commune ley.

CAP. XIV.

Rep. 3 Car. 1. c. 4.

The Statute of 1 HEN. 4. *c.* 7. and 1 RICH. 2. *c.* 7. touching the giving and taking of Liveries confirmed. No Congregation or Company ſhall make any Livery of Cloth or Hats.

CAP. XV.

The Manner of the Election of Knights of Shires for a Parliament.

4 Inſt. 10, 48.

" ITEM, Our Lord the King, at the grievous
" Complaint of his Commons in this preſent Par-
" liament, of the undue Election of the Knights of
" Counties for the Parliament, which be ſometime
" made of Affection of Sheriffs, and otherwiſe againſt
" the Form of the Writs directed to the Sheriff, to

ITEM noſtre Seignur le Roy al grevouſe compleint de ſa communalte del noun due election des chivalers des countees pur le parlement queux aucuns foitz ſont faitz de affection des viſcountz & autrement encountre la forme des briefs as ditz viſcountz directe a grand eſclaundre des countees & re-

Ex Rot. in Turr. Lond.

& retardation des buſoignes del communalte du dit countee noſtre Soverein Seignur le Roy vuillant a ceo purveier de remedie de laſſent des Seignurs eſpirituelx & temporelx & de tout la communalte en ceſt preſent parlement ad ordeignez & eſtabliz qe deſore enavaunt les elections des tielx chivalers ſoient faitz en la forme qenſeute ceſtaſſaver qe al proſchein countee a tenir apres la livere du brief du parlement proclamation ſoit fait en plein countee de le jour & lieu de parlement & qe toutz ceux qe illoeqes ſont preſentz ſibien ſuterez duement ſomonies pur cele cauſe come autres attendent la election de lours chivalers pur le parlement & adonqes en pleine counte aillent al election liberalment & indifferentement non obſtant aucune prier ou comaundement au contrarie & apres qils ſoient eſluz ſoient les perſones eſluz preſentz ou abſentz ſoient lour nouns eſcriptz en endenture deſſoutz les ſealx de toutz ceux qe eux eſliſent & tacchez au dit breve du parlement quele endenture iſſint enſealez & tacchez ſoit tenuz pur retourne du dit brief qant as chivalers des countees. Et qen briefs de parlement affairs en temps advenir ſoit mys ceſte clauſe 'Et electionem tuam in 'pleno comitatu tuo factam diſtincte & aperte 'ſub ſigillo tuo & ſigillis eorum qui electioni illi 'interfuerint nobis in Cancellaria noſtra ad 'diem & locum in brevi content' certifices indi-'late.'

"the great Slander of the Counties, and Hindrance "of the Buſineſs of the Commonalty in the ſaid "County;" 'our Sovereign Lord the King, willing therein to provide Remedy, by the Aſſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, hath ordained and eſtabliſhed, That from henceforth the Elections of ſuch Knights ſhall be made in the Form as followeth; (that is to ſay) at the next County to be holden after the Delivery of the Writ of the Parliament, Proclamation ſhall be made in the full County of the Day and Place of the Parliament, and that all they that be there preſent, as well Suitors duly ſummoned for the ſame Cauſe, as other, ſhall attend to the Election of the Knights for the Parliament, and then in the full County they ſhall proceed to the Election freely and indifferently, notwithſtanding any Requeſt or Commandment to the contrary; and after that they be choſen, the Names of the Perſons ſo choſen (be they preſent or abſent) ſhall be written in an Indenture under the Seals of all them that did chooſe them, and tacked to the ſame Writ of the Parliament, which Indenture, ſo ſealed and tacked, ſhall be holden for the Sheriff's Return of the ſaid Writ, touching the Knights of the Shires. And in the Writs of the Parliament to be made hereafter, this Clauſe ſhall be put:' "Et electionem tuam in pleno comitatu tuo "factam diſtincte & aperte ſub ſigillo tuo & ſigillis "eorum qui electioni illi interfuerint nobis in cancellaria noſtra ad diem & locum in brevi contentos "certifices indilate."

A Clauſe to be inſerted in every Writ of the Parliament. *Enforced and amended by* 11 H. 4. c. 1.

6 H. 6. c. 4. 23 H. 6. c. 14. *See farther Index, tit.* Parliament.

CAP. XVI.

Annuities granted by the King or his Anceſtors, of an elder Date, ſhall be paid before them that were granted of a latter Date. EXP.

CAP. XVII.

No Man ſhall put his Son or his Daughter to be an Apprentice, unleſs he have Twenty Shillings in Land or Rent, but every Perſon may put his Son or Daughter to School.

ſ. 27. which provides that no Merchants, &c. may take Apprentices but ſuch whoſe Parents may diſpend forty Shillings

Repealed by 8 H. 6. c. 11. 12 H. 7. c. 1. *See* 5 El. c. 4. *of Freehold.*

CAP. XVIII.

None ſhall be puniſhed for repreſſing of the late Riots. EXP.

Statutes made at Glouceſter, Anno 9 HEN. IV. *and* Anno Dom. 1407.

Rex vicecomiti Kanc' ſalutem. Quedam ſtatuta & ordinationes in ultimo parliamento noſtro edita tibi mittimus in forma patenti ſub eo qui ſequitur tenore.

Ex Rot. in Turr. Lond. *m.* 11.

POUR ceo qe diverſes compleintes ount eſte faitz a noſtre Seignur le Roy par les communes de ſon roiaume en le parlement tenuz a Glouceſtre le xx^me^ jour dOctobr' lan du regne noſtre dit Seignur le Roy noefiſme Meſme noſtre Seignur le Roy voillant remedier les ditz com-

"BEcauſe that divers Complaints have been made "to our Lord the King by the Commons of "this Realm, in the Parliament holden at *Glou-"ceſter* the twentieth Day of *October*, in the Ninth "Year of the Reign of our ſaid Lord King HENRY "the Fourth after the Conqueſt; the ſame our Lord "the King, willing to remedy the ſaid Complaints,

" by the Advice and Aſſent of the Lords Spiritual and " Temporal, and at the Inſtance and Requeſt of the " ſaid Commons, hath cauſed to be ordained and ſta- " bliſhed divers Statutes and Ordinances, in Form as " followeth."

Ex Rot. in Turr. Lond. *m.* 11.

pleintes de ladvis & aſſent des Seignurs eſpirituelx & temporelx & a les inſtance & requeſt des ditz communes ad fait ordeiner & eſtablir diverſes ordeinances & eſtatutz en la forme qenſuyt.

CAP. I.

A Confirmation of all Liberties, except thoſe granted to the Scholars of *Oxford*.

' FIRST, That holy Church have all her Li- ' berties and Franchiſes; and that all the ' Lords Spiritual and Temporal, and other the King's ' liege People, having Liberties and Franchiſes, and ' all Cities and Boroughs of the Realm, have and en- ' joy their Liberties and Franchiſes, which they have ' of the Grants of the Progenitors of our Lord the ' King, and of his own Grant or Confirmation, ex- ' cept the Franchiſe now late granted to the Scholars ' of the Univerſity of *Oxenford*; and that the Great ' Charter, and the Charter of the Foreſt, and all ' other good Statutes made before this Time, and ' not repealed, ſtand in their Force.'

PRimierement qe ſeinte eſgliſe ait toutes ſes libertees & franchiſes & qe toutes les Seignurs eſpirituelx & temporelx & les autres lieges du Roy aientz libertees & franchiſes & toutz les citees & burghs du roiaume aient & enjoient toutz lour libertees & franchiſes queux ils ount des grauntz de les progenitours noſtre dit Seignur le Roy & de ſon graunt demeſne ou conferment Forſpris la franchiſe ore de novell grauntee a les eſcolers del univerſitee dOxenford & qe la Graunde Chartre & la Chartre de la Foreſte & toutz autres bons eſtatutz avaunt ces heures faitz & nient repellez eſtoient en lour force.

CAP. II.

Kendal Cloth not to be ſealed, nor Aulnage paid for it.

1 H. 4. c. 19. Farther provided for by 7 Jac. 1. c. 16. 39 *El. c.* 20. *But ſee* 11 & 12 *W.* 3. *c.* 20. *which takes away Aulnage Duties.*

ITEM ordeignez eſt & eſtabliz qe null drap appellez Kendale dount la duſzeine ne paſſe vis. viij d. de null ſeal du Roy de aulnage petit ne graunt ſoit aucunement enſeale ne aulnage ent paie Et qe les poſſeſſours des tielx draps purront meſmes les draps nient enſealez franchement vendre ſaunz riens ent forsfaire au Roy non obſtant aucun eſtatut ou ordinance fait a contrair.

CAP. III.

Rep. 21 Jac. 1. c. 28.

Felons in South *Wales* ſhall be taken, or the Country ſhall ſatisfy for their Offences.

CAP. IV.

Diſclaimer in Felony in *Wales* ſhall be utterly excluded and put out.

' ITEM, it is ordained and eſtabliſhed, That no ' Thief nor Felon in *Wales*, openly known, be ' ſuffered to diſclaim out of the Seigniory where the ' Felony was done, and that ſuch Manner of diſclaim- ' ing be utterly put out; and that as well the ſaid ' Thieves openly known, as other Thieves, be put to ' anſwer, as privy to the Indictments or Accuſements ' in the ſame Seigniories where the Thieves be taken ' without being delivered by diſclaiming, or by Letters ' of Mark in any Manner.'

See 27 H. 8. c. 26. *concerning the Laws to be uſed in* Wales.

ITEM ordeignez eſt & eſtabliz qe nul laron ne felon en Gales overtement conuz ne ſoit ſuffert pur deſclaimer hors del Seignurie ou la felonie fuiſt fait & qe tiel manere de deſclayme ſoit de tout ouſtiez & qe ſibien les ditz larons overtement conuz come autres larons ſoyent mys a reſpoundre come privez as enditementz ou accuſementz en meſmes les Seignuries ou les larons ſont priſes ſanz eſtre deliverez par diſclaymer ou par lettres de marche en aucune manere.

CAP. V.

Lords of ancient Demeſn, or Mayors, *&c.* named Diſſeiſors in Aſſiſe, to take away their Franchiſe.

" ITEM, Whereas divers People do oftentimes ſue " Aſſiſes of *Novel deſſeiſin*, or other Writs of Plea " of Land before the Juſtices aſſigned in Plea of " Land at the Common Law, of Lands, Tene- " ments, and Rents being within franchiſed Towns, " and ancient Demeſne, againſt certain Perſons, and " cauſe to be named alſo in their ſaid Aſſiſes and

ITEM come diverſez gentz ſuont ſovent ſoitz aſſiſes de Novell diſſeiſine & autres briefs de plee de terre devant Juſtices aſſignez en le plee de terre a le commune ley des terres tenementz & rentes eſteantz deins villes franchiſes & auncien demeſne envers certeins perſones & fount nomer auxint en lour ditz aſſiſez & briefs les mair baillifs & com-

Ex Rot. in Turr. Lond.

& comminalte des fraunchiſes & les Seignurs & baillifs dauncien demeſme ſuiſditz ou ils ne ſont en verite diſſeiſours ne tenantz des ditz terres tenementz ou rentz iſſint en plee eſteauntz par colluſion & fraude de voidre & excluder les ditz mair baillifs & comminalte & les ditz Seignurs & baillifs dauncien demeſne de lour fraunchiſes libertees coniſances & juriſdictions avoir de lour court devant eux Ordeignez eſt & eſtabliz qen tielx aſſiſes ou briefs purchaſez ou ſuez deſore enavaunt ou a preſent pendantz parentre queconqes perſones devaunt aucunes tiels Juſtices a le comune ley as queux tielx mair baillifs comminaltee Seignurs ou baillifs dauncien demeſme ſoient nomez qe les ditz juſtices primes enquergent par la dite aſſiſe en paiis ſi les ditz mair baillifs communaltee Seignurs ou baillifs dauncien demeſne ce demaundent devant tielx Juſtices ſils ſoient diſſeiſours ou tenantz en tiel cas ou ſoient nomes par colluſion & fraude come deſuis eſt dit. Et ſi trove ſoit qils ne ſont mye diſſeiſours ne tenantz des ditz terres tenementz ou rentz eins acquitez devant meſmes les Juſtices & trovez qils ſont nomes par colluſion & fraude en la forme ſuiſdite qen tiel cas les ditz Juſtices facent abater & caſſer les ditz briefs ou brief daſſiſes & autres briefs purchaſes en la forme ſuiſdit & qe les ditz pleintifs ou pleintif ſoient & ſoit en la greve mercy le Roy noun obſtaunt qe autres diſſeiſours ou tenantz ſoient nomez & trovez en tielx aſſiſes ou briefs.

'Writs the Mayor and Bailiffs, and Commonalty of the Franchiſes, and the Lords and Bailiffs within ancient Demeſne aforeſaid, whereas of Truth they be not Diſſeiſors, nor Tenants of the ſaid Lands, Tenements, or Rents ſo being in Plea, but named by Colluſion and Fraud, to bar and exclude the ſaid Mayors, Bailiffs, and Commonalty, and the ſaid Lords and Bailiffs of ancient Demeſne, of their Franchiſes and Liberties, Cogniſance, and Juriſdiction of their Court before them:' 'it is ordained and eſtabliſhed, That in ſuch Aſſiſes or Writs purchaſed or ſued from henceforth, or at this preſent depending betwixt any Parties before any ſuch Juſtices at the Common Law, in which ſuch Mayor, Bailiffs, and Commonalty, or Lords or Bailiffs of ancient Demeſne be named, that the ſame Juſtices ſhall firſt inquire by the ſaid Aſſiſe in the Country, whether the ſaid Mayor, Bailiffs, and Commonalty, or Lords or Bailiffs of ancient Demeſne (if they require it before ſuch Juſtices) be Diſſeiſors or Tenants in that Caſe, or be named by Colluſion and Fraud, as afore is ſaid. And if it be found that they be not Diſſeiſors, nor Tenants of the ſaid Lands, Tenements, or Rents, but acquit before the ſame Juſtices, and found that they be named by Colluſion and Fraud in the Form aforeſaid, That in ſuch Caſe the Juſtices ſhall cauſe the ſaid Writs of Aſſiſes, or other Writs purchaſed in the Form aforeſaid, to be abated and adnulled; and that the ſaid Plaintiff or Plaintiffs ſhall be in grievous Mercy of the King, notwithſtanding that other Tenants or Diſſeiſors be named or found in ſuch Aſſiſes or Writs.'

Enforced by 8 H. 6. c. 26.

CAP. VI.

A Repeal of the Statute of 7 Hen. 4. *cap.* 10. touching the Length and Breadth of Cloth of Ray.

⊖ B.
11 H. 4. c. 6.
13 H. 4. c. 4.
5 & 6 Ed. 6. c. 6.
43 El. c. 10.
4 Jac. 1. c. 2.

CAP. VII.

Goods ſhall be chargeable for the Payment of the Quinzime, where they were at the Time when the ſame was granted.

ITEM ordeignez eſt & eſtabliz qe toutz maners des foreins eiantz terres tenementz beſtes biens ou chateuz deins aucuns villes al jour del graunt daſcune diſme ou quinziſme ou dautre taxe queconqe combien qils ameſnent lour beſtes ou emportent lours biens & chateux hors dicell ville apres le jour de graunt ſuiſdit qe meſmes les foreins & cheſcun de eux ſoient & ſoit contributors & contributoir oveſqe ceux demurrantz en tielx villes a cheſcun tiel diſme xv^me^ ou taxe queconqe. Et qe les coillours de meſme la diſme quinziſme ou taxe pur le temps eſteantz deinz tielx villes eient poair par auctorite de lour office de taxer & aſſeſſer tielx foreigns ſolonc lour quantite de lour biens chateux & poſſeſſions eſteantz es ditz villes a les jours des grauntz dicelles diſme quinziſme ou taxe & pur les ſommes as queux ils ſerront aſſeſſez ou taxez diſtreindre en queconqe lieu deins le counte ſibien devaunt qe noſtre Seignur le Roy ſoit reſponduz de les entiers ſommes qateignent as tielx villes come apres. Purveux toutz foitz qe nul home ne femme ſoit chargez deux foitz pur null tielx beſtes ne chateux aucunement par celle encheſon.

'ITEM, It is ordained and eſtabliſhed, That all Manner of Foreigners having Lands, Tenements, Beaſts, Goods, and Chattles, within any Towns at the Day of Grant of any *Diſme* or *Quinzime*, or of any other Tax whatſoever, although they lead away their Beaſts, or carry away their Goods and Chattles out of the ſame Town after the Day of the ſaid Grant, that the ſame Foreigners, and every of them, ſhall be contributory with the Inhabitants of ſuch Towns to ſuch *Diſme*, Fifteen, or Tax whatſoever. And that the Collectors of the ſame *Diſme*, *Quinzime* or Tax for the Time being, within ſuch Towns, ſhall have Power by Authority of their Office to tax and aſſeſs ſuch Foreigners according to the Quantity of their Goods, Chattles, and Poſſeſſions, being in the ſaid Towns at the Days of the Grant of the ſaid *Diſme*, *Quinzime* or Tax, and for the Sums whereto they be aſſeſſed or taxed, to diſtrain in every Place within the County, as well before that our ſaid Lord the King be anſwered of the whole Sums that attain to ſuch Towns, as after. Provided always, That no Man nor Woman be two Times charged for any ſuch Beaſts, Goods, nor Chattles, in any wiſe by occaſion thereof.'

1 Ed. 3. ſtat. 2. c. 6.

None ſhall be twice charged for his Goods.

CAP.

CAP. VIII.

In Turr. Lond.

EXP. *See 9 H. 5. stat. a. c. 9.*

The carrying of Money out of the Realm to the Court of *Rome* prohibited; and all Statutes against Provisors, and Translation of Archbishopricks, *&c.* confirmed.

CAP. IX.

Elections to spiritual Promotions shall be free, and not interrupted by the Pope or the King.

Altered 25 H. 8. c. 20.

'AND that from henceforth all the Elections of all Archbishopricks, Bishopricks, Abbies, Priories, Deanries, and other Dignities, elective, be free, without being in any wise interrupted by the said Pope, or by Commandment of our said Sovereign Lord the King. Provided always, That our said Sovereign Lord the King have as freely his Liberties and Prerogatives, as any of his noble Progenitors hath had before this Time, and as he himself had at the Time of the making of this Statute.'

ET qe toutz les elections des toutz Ercheveschies Eveschies Abbeies Priories Deanes ou autres dignites electives qiconques soient deforenavaunt frankes sanz estre en nulle manere destourbiez par lappostoill avauntdit ou par maundement de nostre dit Seignur le Roy. Purveuz toutz foitz qe nostre dit Seignur le Roi eit auxi franchement sez libertee & prerogatiff come aucune de ses nobles progenitours ad eue devant ces heures ou come luy mesmes ad a cest temps de fesance de cest estatut.

CAP. X.

EXP.

A Pardon granted by the King to all that have purchased Provisions, or Translations to Archbishopricks, Bishopricks, *&c.*

ET ideo tibi precipimus quod statim visis presentibus statuta & ordinationes predicta in singulis locis infra ballivam tuam ubi magis expediens fuerit & necesse publice ex parte nostra proclamari & notificari ac quantum in te est firmiter & inviolabiliter teneri & observari facias juxta tenorem eorundem Et hoc nullatenus omittas. T. R. apud Westm' primo die Februarii anno nono.

Statutes made at Westminster, Anno 11 Hen. IV. *and* Anno Dom. 1409.

Ex Rot. in Turr. Lond. *m.* 10.

"BY the Advice and Assent of the Lords Spiritual and Temporal, and at the Request, Instance, and Suit of the Commons, being in the Parliament holden at *Westminster*, in the Fifteenth of St. *Hillary*, the Eleventh Year of the Reign of King Henry the Fourth; the same our Lord the King hath ordained divers Statutes and Ordinances in the Form as followeth."

DE ladvys & assent des Seignurs espirituelx & temporelx & a les graundes instance & prier des communes esteantz en le parlement tenuz a Westm' en la quinszeine de Seint Hiller lan del regne nostre Seignur le Roy unszisme mesme nostre Seignur le Roy ad ordeignez & establiz diverses ordeignances & estatutz en la forme qensuyte.

CAP. I.

The Penalty on a Sheriff for making an untrue Return of the Election of the Knights of Parliament.

7 H. 4. c. 15. 8 H. 6. c. 7.

"FIRST, Whereas in the Parliament holden at *Westminster*, the Seventh Year of the Reign of our said Lord the King, there was ordained and established by a Statute for the Preservation of the Liberties and Franchises of the Election of the Knights of the Shire used through the Realm, a certain Form and Manner of the Election of such Knights, as in the said Statute more fully is contained; and forasmuch as in the same Statute no Penalty was ordained or limited in special upon the Sheriffs of the Counties, if they make any Returns to the contrary of the same Statute;" it is ordained and stablished, That the Justices as-

PRimerement come en le parlement tenuz a Westm' lan du regne nostre dit Seignur le Roy septisme ordennez fuit & estabiiez par estatut en conservation de les franchises & libertees del election des chivalers des countees usez parmy le Roialme certeine forme & manere de la election de tielx chivalers come en le dit estatut pluis pleinement est contenuz & partant qen mesme lestatut nul peine fuit ordeine ne mys en especiale sur les viscontz des countees sils ferroient ascuns retournes a contrair de mesme lestatut ordeigne est & establie qe les Justices as assises prendre aient poair

Ex Rot. in Turr. Lond.

poair denquer en lour ſeſſions des aſſiſes de tielx retournes faitz & ſi par enqueſt & due examination trovee ſoit devaunt meſmes les juſtices qe aſcun tiel viſcont ait fait ou face en apres aſcun retourne encontre la tenure du dit eſtatut qe meſme le viſcont encourge la peyne de C li. a paiers a noſtre dit Seignur le Roy. Et outre ceo qe les chivalers des countees enſi nient duement retournez perdent lour gages du parlement dancien temps acuſtumez.

'ſigned to take Aſſiſes, ſhall have Power to inquire in 'their Seſſions of Aſſiſes of ſuch Returns made; 'and if it be found by Inqueſt, and due Examination 'before the ſame Juſtices, that any ſuch Sheriff hath 'made, or hereafter make, any Return contrary to the 'Tenor of the ſaid Statute, that then the ſame Sheriff 'ſhall incur the Penalty of One hundred Pounds to be 'paid to our Lord the King; and moreover, that 'the Knights of the Counties ſo unduly returned, 'ſhall loſe their Wages of the Parliament, of old 'Time accuſtomed.'

1 H. 5. c. 1. 6 H. 6. c. 4. 23 H. 6. c. 14. Raſt. 446. *See farther Index, tit.* Parliament.

CAP. II.

No common Hoſtler ſhall be a Cuſtomer, Comptroller, or Searcher.

ITEM ordeinez eſt & eſtabliez qe null homme qi tient commune hoſterye en aſcune citee ou burgh dEngleterre ſoit cuſtumer controullour tronour ou ſercheour noſtre dit Seignur le Roy & ceo pur eſchuer les damagez & perde qent purront avenir par le favour qe tielx communes hoſtiliers purront ou voillent faire as merchauntz & autres lour hoſtes en lour offices deſſuiſditz.

'ITEM, It is ordained and ſtabliſhed, That no 'Man which holdeth a common Hoſtry in any 'City or Borough of *England*, ſhall be a Cuſtumer, 'Comptroller, Finder*, nor Searcher of the ſaid Lord 'the King; and that to eſchew the Damage and 'Loſs, which thereof may happen, by the Favour 'that ſuch common Hoſtlers may or will do to Mer-'chants and other their Gueſts in their ſaid Offices.'

* *Tronour.*

Enforced by 20 H. 6. c. 5.

CAP. III.

Records ſhall not be amended or impaired after Judgement inrolled.

ITEM ordeignez eſt & eſtabliz qe Juſtices des aſſiſes par commiſſion noſtre Seignur le Roy en les countees de Roialme aprendre aſſignez & aſſigners deſorenavant facent delivere pleinement en treſorie noſtre dit Seignur le Roy toutz les recordes de les aſſiſes de novell diſſeiſine de mordaunceſtre & des certifications ove toutz les appurtenances & appendances devaunt eux determinez cheſcune ſecunde an apres qe le plee ent ſoit determine & juggement rendu ſanz pluis delaie. Et qe les recordes & les proceſſes des plees realx & perſonelx & daſſiſes de novell diſſeiſine de mortdaunceſtre & certifications & dautres dont juggement ſoit renduz & enrollez ou choſe touchant tielx plees ne ſoient en aſcune manere amendez ne empeirez par novel entre des clerks ou par record ou choſe certifier ou teſmoigner ou commandement daſcun Juſtice qiconqe en null terme apres qe tiel juggement en tielx plees ſoit donez & enrollez.

'ITEM, It is ordained and ſtabliſhed, That the 'Juſtices aſſigned, and to be aſſigned, to take Aſ-'ſiſes by Commiſſion of our Lord the King in the 'Counties of the Realm, from henceforth ſhall cauſe 'to be delivered fully in the King's Treaſury, all the 'Records of Aſſiſes of *Novel diſſeiſin*, of *Mortdanceſter*, 'and of Certifications, with all the Appurtenances 'and Appendances before them determined, every 'ſecond Year, that the Plea thereof be determined, 'and Judgment given without more Delay. And 'that the Records and Proceſs of Pleas real and per-'ſonal, and of Aſſiſes of *Novel diſſeiſin*, or *Mortdan-'ceſter*, and Certifications, and of others, whereof 'Judgement is given and inrolled, or Things touch-'ing ſuch Plea, ſhall in no wiſe be amended nor im-'paired by new entering of the Clerks, or by the Re-'cord or Thing certified in Witneſs or Commandment 'of any Juſtice, in no Term after that ſuch Judgment 'in ſuch Pleas is given and inrolled.'

Juſtices of Aſſiſe ſhall deliver into the Treaſury the Records of Aſſiſe, &c. every ſecond Year. 9 Ed. 3. ſtat. 1. c. 5.

CAP. IV.

He that playeth at unlawful Games prohibited by the Statute of 12 Rich. 2. *c.* 6. ſhall be ſix Days impriſoned.

Rep. 33 H. 8. c. 9.

CAP. V.

Gally Half-pence ſhall not be current in Payment in this Realm.

O B.

CAP. VI.

Cloths ſhall not be tacked and plaited together before the Aulneger hath ſet his Seal to them.

ITEM come par leſtatut fait lan du regne noſtre dit Seignur le Roy ſeptiſme ordeignez eſtoit qe cheſcun court drap fait deinz le Roialme tiendroit par aſſiſe la longure de xxviij. verges par la creſte & cheſcun duſſeine de drap la longure de xiiij. verges par le creſt & les rayes contiegnerent en longure par le liſte meſurez meſme la longure ceſtaſſavoir le drap entier xxviiij. verges & le duſſeine xiiij. verges & certeines perſones daulneurs a ceo aſſignez parmy le Roialme priegnantz lour charge en leſcheker de bien & loialment ſanz fraude ſercher & ſurveier tielx maneres draps & duſſeins qe cheſcun de eux en ſa nature tiendroit

7 H. 4. c. 10. What to be underſtood by the Word *Cloth* in this Act, ſee 11 H. 6. c. 9.

Ex Rot. in Turr. Lond.

droit ſa longure & laeure come leſtatut ſuiſdit requiert eiantz yceux aulneours poair & auctorite depar noſtre dit Seignur le Roy de faire duement lour dit office & de enſealer ove le ſeal al office ſuiſdit aſſigne toutz les draps & duſſeins ſuiſditz teignantz lour longure & laeure daſſiſe ſuiſdite parenſi qe le poeple ſanz doute purroit eſtre ſeure qe par le garrant dicelle enſeallure les draps & duſſeins ſuiſditz teignerent lour longure & laeure ſolonc la forme del eſtatut ſuiſdit noun obſtant quell eſtatut certeines gentz & principalment en les parties de Weſt faiſantz tielx maneres draps queux ne tiegnent laſſiſe de lour meſure ſuiſdit auxibien en rayes come en plain drap & en eſpeciale ou le court drap duiſt tenir la longure de xxviij. verges il ne tient qe xxiij. verges & lou le duſſein de drap duiſt tenir xiiij. verges il ne tient qe xj. verges & pur conceler yceſt deceit de meſure les ſuiſditz gentz enſi faiſantz tielx draps & duſſeins les facent pliter & takker enſemble maintenant apres qils ſoient faitz & qant les aulneours veient ceux draps enſi takkez enſemble ils les enſealent ſanz faite pluis de ſerche ou ſurveu de meſure dycell a grande diſceit & arreriſſement ſibien as Seignurs come as communes del Roialme Noſtre Seignur le Roy conſiderant les meſchiefs ſuiſditz & veulant ſur ceo purvoier de remede del advis & aſſent des Seignurs ſuiſditz & a la requeſte des ditz communes ad ordeignez & eſtabliez qe un novell ſeal eiant ſigne & merche differentz de launcien ſeal de dit office de launeour ſoit fait & delivere a les aulneours ſuiſditz & qe apres qe meſme le ſeal enſy de novell affaire ſoit delivere as ditz aulneours proclamation ſoit fait overtement en les ditz parties de Weſt & aillours parmy le Roialme qe null perſone faiſant tielx maneres draps & duſſeins en meſme les parties de Weſt naillours deinz le Roialme dEngleterre ſoit ſi hardy de takker & pliter enſemble tielx maneres draps devant qe laulneour eit fait ſon ſerche & ſurveu duement de yceux draps qils tiegnent lour longure & laeure ordeignes par le dit eſtatut ſur peine de forfaiture dycell & qe le dit aulneour apres ceo mette le dit novel ſeal de ſon office as tielx maneres draps & duſſeins ſavant toutfoitz qe les draps & duſſeins de colour & de ray queux ſont enſealez ovec launcien ſeal ſuiſdit avant la proclamation faite puiſſent avoir lour cours deſtre venduz ſanz aſcun impediment empeſchement ou diſtreinte ſur eux affaire par les ditz aulneours ou aſcun autre officer parenter le jour du dite proclamation & le feſte de ſeient Pere ad vincula proſchein avenir. Et en cas qe aſcun aulneour en faiſant ſon dit office face le contrair de ceſt eſtatut & de ceo ſoit duement atteint qal primier foitz qil ſerra iſſint atteint il perde x li. & al ſeconde foitz xx li. a levers & paiers a noſtre dit Seignur le Roy de toutz ſes terres & tenementz biens & chateux en qi mains qils ſoient & al terce foitz ſon corps areſtuz & toutz ſes biens & chateux a la volunte du Roy. Et outer ceo voet meſme noſtre Seignur le Roy qe celuy qi vorra ſuir pur le Roy ou pur luy meſmes eit la fuite datteindre tiel aulneour enſi faiſant a contrair de ceſt eſtatut & ait meſme le purſuant pur ſon travail la quart partie de la peine de x li. ou xx li. deſuiſditz ſolonc ceo qe le cas aviendra ſavant as Seignurs & autres lour franchiſes ſi aſcuns aient en ceo cas.

13 R. 2. ſtat. 1. c. 11.

The Penalty on an Aulneger for not performing his Duty.

21 H. 6. c. 9. *Obſ. By* 11 & 12 *W.* 3. c. 20.

which takes away Aulnage Dutie.

CAP. VII.

EXP. Merchant Strangers ſhall pay the Cuſtoms, *&c.* granted to the King by the Commons for Cloth cut in Pieces, or Garments, proportionably after the Rate of a whole Piece.

CAP. VIII.

OB. 14 R. 2. c. 2. The Lord Chancellor ſhall ſend the Eſtreats of Exchanges taken of Merchants into the Exchequer every fifteen Days.

CAP. IX.

Jurors in Indictments ſhall be returned by the Sheriff, or Bailiffs, without the Denomination of any.

21 *Ed.* 1. *ſtat.* 1. c. 38.
28 *Ed.* 1. c. 9.
28 *Ed.* 3. c. 13.
34 *Ed.* 3. c. 4.
42 *Ed.* 3. c. 11.
11 H. 7. c. 24.
3 H. 8. c. 12.
12 Co. 98, 99.
Cro. Car. 134.
3 Inſt. 32, 33.

" ITEM, Becauſe that now of late Inqueſts were " taken at *Weſtminſter*, of Perſons named to the " Juſtices, without due Return of the Sheriff, of " which Perſons ſome were outlawed before the ſaid " Juſtices of Record, and ſome fled to Sanctuary for " Treaſon, and ſome for Felony, there to have Refuge, by whom as well many Offenders were indicted, as other lawful liege People of our Lord the " King, not guilty, by Conſpiracy, Abettment, and " falſe Imagination of other Perſons, for their ſpecial " Advantage and ſingular Lucre, againſt the Courſe of " the Common Law uſed and accuſtomed before this " Time;" ' our ſaid Lord the King, for the greater ' Eaſe and Quietneſs of his People, will and grant-' eth, That the ſame Indictment ſo made, with ' all the Dependence thereof, be revoked, adnulled, ' void, and holden for none for ever; and that ' from henceforth no Indictment be made by any ſuch

ITEM pur ceo qe ore tarde enqueſtes feurent priſez a Weſtm' des perſones as Juſtices denomez ſaunz due retourne de viſcont des queux perſones aſcuns furent utlagez devant les ditz Juſtices de record & aſcuns fuez al ſeintewarie pur treſon & aſcuns pur felonie pur illoeqes avoir refuyte par queux ſibien pluſours maffaiſours eſtoient enditez come autres loialx lieges noſtre Seignur le Roy nient coupables par conſpiracie abettement & faux ymagination dautres perſones pur lour eſpeciale avantage & lucres propres encontre la cours de la commune ley avant ces heures uſez & accuſtumez noſtre dit Seignur le Roy pur greindre eaſe & quiete de ſon poeple voet & graunte qe meſme lenditement iſſint fait oveſqe toutz les dependences dicell ſoit revokez adnullez voide & tenuz pur null pur toutz jours & qe deſorenavant null enditement ſoit fait par aſcuns tielx perſones einz par enqueſtes des

loialx

Ex Rot. in Turr. Lond.

loialx lieges noſtre dit Seignur le Roi en manere come fuit uſe en temps de ſes nobles progenitours par les viſcounts ou baillifs des franchiſes duement retournez ſanz aſcune manere denomination as ditz viſcontz ou baillifs de franchiſes devant fait par aſcune perſone des nouns queux ſerront par luy empanellez ſil ne ſoit par les miniſtres des ditz viſcontz ou baillifs de franchiſes a ceo faire jurrez & commys & les autres miniſtres as queux il appertient de ceo faire ſolonc la ley dEngleterre. Et ſi aſcun enditement ſoit fait en temps avenir en aſcune manere a contraire ſoit meſme lenditement auxint voide adnullez revokez & tenuz pur null a toutz jours.

'Perſons, but by Inqueſts of the King's lawful liege 'People, in the Manner as was uſed in the Time of 'his noble Progenitors, returned by the Sheriffs or 'Bailiffs of Franchiſes, without any Denomination to 'the Sheriffs or Bailiffs of Franchiſes before made by 'any Perſon of the Names which by him ſhould be 'empanelled, except it be by the Officer of the ſaid 'Sheriffs or Bailiffs of Franchiſes, ſworn and known, 'to make the ſame, and other Officers to whom it 'pertained to make the ſame, according to the Law 'of *England*. And if any Indictment be made 'hereafter in any Point to the contrary, that the ſame 'Indictment be alſo void, revoked, and for ever holden 'for none.'

Jones 198.

See farther for the Qualification and Duty of Jurors, Index, tit. Juries.

Statutes made at Weſtminſter, Anno 13 HEN. IV. *and* Anno Dom. 1411.

Ex Rot. in Turr. Lond. *m.* 9.

MAreſdy lendemayn des almes lan du regne noſtre Seignur le Roy treſziſme meſme noſtre Seignur le Roy de ladvis & aſſent des Seignurs eſpirituelx & temporelx & a la requeſt des Communes eſteantz en ſon parlement tenuz a Weſtm' fiſt ordeigner & eſtablir diverſes ordinances & eſtatutz en la fourme qenſeute.

"THE *Tueſday* being on the Morrow of *All* "*Souls*, the Thirteenth Year of the Reign of "our Lord King HENRY the Fourth, the ſame "our Lord the King, by the Advice and Aſſent of the "Lords Spiritual and Temporal, and at the Requeſt "of the Commons being in the ſaid Parliament holden "at *Weſtminſter*, hath cauſed to be ordained and ſta-"bliſhed divers Statutes and Ordinances in Form as "followeth."

CAP. I.

A Confirmation of all Liberties, ſaving a Franchiſe granted to the Scholars of *Oxford*.

PRimierement qe ſeint eſgliſe eit toutz ſes libertees & franchiſes & qe toutz les Seignurs eſpirituelx & temporelx & les autres liges du Roy eiantz libertees & franchiſes & toutz les citees & burghs du Roialme eient & enjoient toutz leur libertees & franchiſes queux ils ount de graunte de les progenitours noſtre dit Seignur le Roy & de ſon graunte demeſne ou conferment forſpris la franchiſe ore tarde graunte a les eſcolers de univerſite dOxenford & qe la Graund Chartre & la Chartre de la Foreſte & toutz autres bones eſtatutz avaunt ces hoeures faitz & nient repellez eſtoiſent en lour force.

'FIRST, That holy Church have all her Liberties 'and Franchiſes, and that all the Lords Spiritual 'and Temporal, and other liege Men of the King, 'having Liberties and Franchiſes, and all the Cities 'and Boroughs of the Realm have and enjoy all their 'Liberties and Franchiſes, which they have of the 'Grant of our Lord the King's Progenitors, or of his 'own Grant or Confirmation, except the Franchiſe 'now late granted to the Scholars of the Univerſity 'of *Oxenford*; and that the Great Charter, and 'the Charter of the Foreſt, and all other good Statutes 'made before this Time, and not repealed, ſtand in 'their Force.'

9 H. 4. c. 1.

CAP. II.

A Confirmation of the Statute of 8 RICH. 2. *cap.* 2. touching Juſtices of Aſſiſe and Gaol-delivery, for ſo long as it ſhall pleaſe the King.

EXP. 33 H. 8. 24.

CAP. III.

A Confirmation of ſeveral Statutes of 1 HEN. 4. *cap.* 7. 7 HEN. 4. *cap.* 12. & 1 RICH. 2. *cap.* 7. touching giving and taking of Liveries.

Rep. 3 Car. 1. c. 4.

CAP. IV.

A Confirmation of the Statute of 7 HEN. 4. *cap.* 10. and 11 HEN. 4. *cap.* 6. &c. touching the Length and Breadth of Cloths of ray, and coloured Cloths.

Rep. 5 & 6 Ed. 6. c. 6.
43 El. c. 10.
4 Jac. 1. c. 2.
9 H. 4. c. 6.

CAP. V.

All Cuſtomers, Comptrollers, &c. ſhall be reſident upon their Offices.

Ex Rot. in Turr. Lond.

'ITEM it is ordained and ſtabliſhed, That the Statutes made of Cuſtomers, Comptrollers, Lieutenants of the chief Butler, and of Searchers, the firſt and fourth Years of our ſaid Lord the King that now is, be kept and holden; and moreover it is ordained and eſtabliſhed, That all Manner of Cuſtomers, and Comptrollers, Gaugers of Wine, and Searchers through the Realm, ſhall be continually reſident and abiding upon their Offices, and in ſpecial at the Time of the Charge and Diſcharge of Ships and Veſſels, entering in the Ports of *England*, and paſſing out of the ſame, ſo that no ſuch Officer, after the Time above named, be abſent from his ſaid Office by three Weeks at the moſt, upon Pain to loſe his ſaid Office, unleſs he be commanded and charged in ſpecial of Record to be in the King's Courts, or otherwiſe in the King's Service of Record, as afore is ſaid.'

14 *R.* 2. *c.* 10.
17 *R.* 2. *c.* 5.
1 H. 4. c. 13.
4 H. 4. c. 20.
See 3 H. 6. *c.* 3.
31 *H.* 6. *c.* 5.
& 1 El. c. 11. ſ. 8. *which put Cuſtomers, &c. under farther Reſtrictions.*

ITEM ordeignez eſt & eſtabliz qe les eſtatutz faitz de les cuſtumers contrerollours lieutenantz de chief botellere & de les ſercheours lan primer & lan quart le Roy qore eſt ſoient tenuz & gardez. Et outre ceo ordeignez eſt & eſtabli qe toutz maneres des cuſtumers contrerollours gaugeours de vins & ſercheours parme le Roialme ſoient continuelment reſeantz & demorantz ſur leur offices & en eſpecial al temps de les charge & deſcharge de les niefs & veſſelx entrantz les portz dEngleterre & paſſantz hors dicelles iſſint qe nul tiel officer apres le temps deſſuis nome ſoit abſente de ſon dit office par trois ſemaignes a plus ſur peine de perdre ſon dit office ſil ne ſoit comandez & chargies en eſpecial de record deſtre en les courtes du Roy ou autrement en ſervice noſtre dit Seignur le Roy de record come deſſuis eſt dit.

CAP. VI.

No Gally Half-pence or foreign Money ſhall be current within this Realm.

O B.
2 H. 4. c. 6.
11 H. 4. c. 5.

CAP. VII.

The Juſtices of Peace and the Sheriffs ſhall arreſt thoſe which commit any Riot, &c. inquire of them, and record their Offences.

Bro. Riots, 5.
7 Ed. 4. f. 18.
Raym. 386.

'ITEM it is ordained and eſtabliſhed, That if any Riot, Aſſembly, or Rout of People againſt the Law, be made in Parties of the Realm, that the Juſtices of Peace, three, or two of them at the leaſt, and the Sheriff or Under-Sheriff of the County where ſuch Riot, Aſſembly, or Rout ſhall be made hereafter, ſhall come with the Power of the County (if Need be) to arreſt them, and ſhall arreſt them; and the ſame Juſtices and Sheriff, or Under-Sheriff, ſhall have Power to record that which they ſhall find ſo done in their Preſence againſt the Law; and that by the Record of the ſame Juſtices and Sheriff, or Under-Sheriff, ſuch Treſpaſſers and Offenders ſhall be convict in the ſame Manner and Form as is contained in the Statute of Forcible Entries.

5 R. 2. ſtat. 1. c. 7.
15 R. 2. c. 2.

Inquiry of the Offenders.

'And if it happen that ſuch Treſpaſſers and Offenders be departed before the coming of the ſaid Juſtices and Sheriff, or Under-Sheriff, that the ſame Juſtices, three, or two of them, ſhall diligently inquire within a Month after ſuch Riot, Aſſembly, or Rout of People ſo made, and thereof ſhall hear and determine according to the Law of the Land.

Certificate of a Riot, and the Puniſhment of Offenders.

'II. And if the Truth cannot be found in the Manner as is aforeſaid, then within a Month then next following, the Juſtices, three, or two of them, and the Sheriff or Under-Sheriff, ſhall certify before the King and his Council all the Deed and Circumſtances thereof, which Certificate ſhall be of like Force as the Preſentment of Twelve; upon which Certificate the ſaid Treſpaſſers and Offenders ſhall be put to anſwer, and they which ſhall be found guilty, ſhall be puniſhed according to the Diſcretion of the King and his Council.

ITEM ordeignez eſt & eſtabliz qe ſi aucun riot aſſemblee ou rout des gentz encontre la loie ſe face en aucune partie de Roialme qe les Juſtices de paix trois ou deux de eux a meyns & le viſcont ou ſouth viſcont du counte ou tiel riote aſſemble ou rout ſe ferra enapres veignent ove le poair de counte ſi boſoigne ſerra pur eux areſter & eux areſtent & aient meſmes les juſtices & viſcont ou ſouth viſcont poair de recorder ceo qils troevent enſi fait en leur preſence encontre la ley & qe par le record de meſmes les Juſtices & viſcont ou ſouth-viſcont ſoient tielx treſpaſſours & meffaiſours convictz en manere & fourme come il eſt contenuz en leſtatut de forcibles entrees. Et ſil adviegne qe tielx treſpaſſours & meffaiſours ſoient departiz devaunt la venue des ditz Juſtices & viſcont ou ſouth-viſcont qe meſmes les Juſtices trois ou deux de eux enquergent diligealment deinz un moys apres tiel riote aſſemble ou route des gentz enſy faitz & ent oient & terminent ſolonc la loye de la terre.

Et ſi la veritee ne poet eſtre trove en maner come deſſuis eſt dit adonqes deinz un moys lors proſchein enſuiant certifient les ditz Juſtices trois ou deux de eux & le viſcont ou ſouth-viſcont ſuiſditz devaunt le Roy & ſon counſeil tout le fait & les circumſtances dicell quell certificat ſoit dautiel force come le preſentment de xij. ſur quel certificat ſoient les ditz treſpaſſours & meffaiſours mys a reſponce & ceux qi ſerront trovez coupables ſoient puniz ſolonc la diſcretion du Roy & de ſon dit conſail.

Et

Ex Rot. in Turr. Lond.

Et ſi tielx treſpaſſours & meffaiſours traverſent la matire enſy certifie ſoient celles certificat & travers mandez en banc le Roy pur y eſtre triez & terminez come la ley demande & ſi meſmes les treſpaſſours & meffaiſours ne viegnent my devaunt le Roy & ſon counſail ou en Bank le Roy a primer mandement adonqes ſoit fait autre mandement direct a viſcount de countee de prendre les ditz treſpaſſours & meffaiſours ſils purront eſtre trovez & eux ameſner a certein jour devaunt le Roy & ſon dit counſail ou en bank le Roy. Et ſils ne purront eſtre trovez qe le viſcont ou ſouth-viſcont face proclamation en pleine countee proſchein enſuiant la liveree du ſeconde mandement qils viegnent devaunt le Roy & ſon dit counſail ou en bank le Roy ou en la chauncellarie en temps de vacation deinz trois ſemaignes lors proſcheins enſuiantz. Et en cas qe meſmes les treſpaſſours & meffaiſours ne viegnent mye come devaunt eſt dit & la proclamation faite & retourne ſoient ils convictz & atteintz de les riote aſſemble ou route deſſuiſditz non obſtant aucun eſtatut ou ordinance fait a contraire.

Et en outre qe les juſtices de la paix demurrantz les pluis proſcheins en cheſcun counte ou tiel riote aſſemble ou route des gentz ſe ferra en apres enſemblement ove le viſcont ou ſouth-viſcont de meſme le counte & auxi les Juſtices daſſiſes pur le temps qils ſerront illoeqes en lour ſeſſions en cas qe aucun tiel riote aſſemble ou route ſe ferra en lour preſence facent execution de ceſt eſtatut cheſcun ſur peine de C li. a paiers au Roy a tant des foitz qils ſerront trovez en defaut del execution de meſme leſtatut.

Thus end the Statutes of King *HENRY* the Fourth.

'III. And if ſuch Treſpaſſers and Offenders do traverſe the Matter ſo certified, the ſame Certificate and Traverſe ſhall be ſent into the King's Bench, there to be tried and determined as the Law requireth. And if the ſame Treſpaſſers and Offenders do not appear before the King and his Council, or in the King's Bench, at the firſt Precept, then ſhall be another Precept directed to the Sheriff of the County, to take the ſaid Treſpaſſers and Offenders, if they may be found, and to bring them at a certain Day before the King and his Council, or into the King's Bench. And if they cannot be found, That the Sheriff or Under-Sheriff ſhall make Proclamation in his full County next enſuing the Delivery of the ſecond Precept, that they ſhall appear before the King and his ſaid Council, or in the King's Bench, or in the Chancery in the Time of Vacation, within three Weeks then next following. And in caſe the ſame Treſpaſſers and Offenders come not as afore is ſaid, and the Proclamation made and returned, they ſhall be convict and attainted of the Riot, Aſſembly, or Rout aforeſaid, notwithſtanding any Article or Ordinance made to the contrary.'

A Traverſe of a Riot triable in the King's Bench.

Conviction of Offenders for Default of Appearance.

'IV. And moreover, That the Juſtices of Peace dwelling nigheſt in every County where ſuch Riot, Aſſembly, or Rout of People ſhall be made hereafter, together with the Sheriff or Under-Sheriff of the ſame County, and alſo the Juſtices of Aſſiſes for the Time that they ſhall be there in their Seſſion, in caſe that any ſuch Riot, Aſſembly, or Rout be made in their Preſence, ſhall do Execution of this Statute, every one upon pain of an hundred Pounds, to be paid to the King as often as they ſhall be found in Default of the Execution of the ſame Statute.'

The Penalty of the next Juſtices omitting their Office.

Raſt. 383. 17 R. 2. c. 8. *See farther Index, tit.* Riot.

Anno primo HENRICI V.

Statutes made at Weſtminſter *in the Firſt Year of the Reign of King* HENRY *the Fifth, and in the Year of our Lord* 1413.

Ex Rot. in Turr. Lond. *m.* 8.

"OUR Lord the King, at his Parliament holden at *Weſtminſter* in the third Week of *Eaſter*, the firſt Year of his Reign, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Inſtance and Requeſt of the Commons of this Realm, hath ordained and eſtabliſhed divers Statutes and Ordinances in the Form following."

NOSTRE Seignur le Roy a ſon parlement tenuz a Weſtm' a les trois ſemaignes de Paſche lan de ſon regne primere de ladvis & aſſent des Seignurs eſpirituelx & temporelx & a les eſpecialx inſtaunce & requeſt des Communes de ſon Roialme ad ordeignez & eſtabliz diverſes ordinaunces & eſtatuts en la fourme qenſeute.

CAP. I.

What Sort of People ſhall be choſen, and who ſhall be the Chooſers of the Knights and Burgeſſes of the Parliament.

Raſt. 446.

'FIRST, That the Statutes of the Election of the Knights of the Shires to come to the Parliament, be holden and kept in all Points; adjoining to the ſame, that the Knights of the Shires which from henceforth ſhall be choſen in every Shire, be not choſen unleſs they be reſident within the Shire where they ſhall be choſen the Day of the Date of the Writ of the Summons of the Parliament; and that the Knights and Eſquires, and others which ſhall be Chooſers of thoſe Knights of the Shires, be alſo reſident within the ſame Shires, in Manner and Form as is aforeſaid. And moreover it is ordained and eſtabliſhed, That the Citizens and Burgeſſes of the Cities and Boroughs be choſen Men, Citizens and Burgeſſes reſiant, dwelling, and free in the ſame Cities and Boroughs, and no other in any wiſe.'

7 H. 4. c. 15. *See farther Index, tit.* Parliament.

Rep. as to *Reſidence*, &c. 14 Geo. 3. c. 58.

PRimerement qe les eſtatutz faitz de la election des chivalers des countees pur venir au parlement ſoient tenuz & gardez en toutz pointz adjouſtant a ycelles qe les chivalers des countees qe deſores ſerrount eſluz en cheſcun countee ne ſoient eſluz ſils ne ſoient reſeauntz deinz les countees ou ils ſerrount iſſint eſluz le jour de la date du brief de ſomons de parlement & qe les chivalers & eſquiers & autres qi ſerrount eſliſours des tielx chivalers des countees ſoient auxi reſeauntz deins meſmes les countees en maniere & fourme come deſſus eſt dit Et outre ceo ordeignez eſt & eſtabliz qe les citeins & burgeiſes des citees & burghs ſoient eſluz hommes citeins & burgeiſes reſeauntz demurrauntz & enfraunchiſes en meſmes le cites & burghs & nulles autres en nulle manere.

CAP. II.

A Confirmation of former Statutes touching Wears, Mills, Kidels, &c.

25 Ed. 3. ſtat. 4. c. 4. 45 Ed. 3. c. 2. 1 H. 4. c. 12. 4 H. 4. c. 11.

"ITEM, Becauſe that great Complaint hath been made to our ſaid Lord the King in this preſent Parliament, for that the Statutes made in the Time of his noble Progenitors Kings of *England*, of the levying and ſtraiting of Wears, Mills, Stanks, Stakes, and Kidels, be not kept according to the Form and Effect of the ſame Statutes, to the great Damage of the People of the Realm of *England*;" 'our ſaid Lord the King that now is, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the Requeſt of the ſaid Commons, will and grant, That the ſaid Statutes and Ordinances be ſurely holden and kept, and put in due Execution.'

Farther provided for by 9 H. 6. c. 9. 12 Ed. 4. c. 7. 3 Jac. 1. c. 12. 7 Jac. 1. c. 19. 6 & 7 W. 3. c. 16. *and* 1 Geo. 1. *ſtat.* 2. c. 18.

ITEM pur ce qe graunde compleinte ad eſte faite a noſtre dit Seignur le Roy en le dit parlement de ce qe les eſtatutz faitz en temps de ſes nobles progenitours de les enhanceur & eſtreiture des gors des moleyns eſtankes eſtakes & kideux ne ſont pas tenuz ne gardes ſolonc les fourme & effect de meſmes les eſtatutz a graunt damage du poeple & du Roialme meſme noſtre Seignur le Roy de ladvis & aſſent ſuiſditz & a la requeſt des dites communes voet & graunte qe les ditz eſtatutz ſoient ferment tenuz & gardes & mys en due execution.

CAP. III.

The Penalty for forging or publiſhing a falſe Deed.

Rep. 5 El. c. 14. Keilw. 110. b.

Made Felony without Benefit of Clergy by 2 Geo. 2. c. 25.

CAP.

CAP. IV.

Sheriffs Bailiffs ſhall not be in the ſame Office in three Years after. Sheriffs Officers ſhall not be Attornies.

Ex Rot. in Turr. Lond.

ITEM pur ceo qe les lieges noſtre Seignur le Roy noſent my purſuir ne compleindre des extorſions & oppreſſions a eux faitz par les miniſtres des viſcountes ceſtaſſavoir par ſouthviſcountz clerks des viſcountes reſceyvours & bailifs des viſcountes a cauſe qe les ditz ſouthviſcountes clerks reſceivours & baillifs des viſcountes ſount ſy continuelment de an en an demurrauntz oveſqe les viſcountes enterchaungeablement en un office ou en autre Noſtre Seignur le Roy de ladvis & aſſent ſuiſdit & a la requeſt des ditz Communes ad ordeignez & eſtabliz qe ceux qi ſount baillifs des viſcountz par un an ne ſoient en nul tiel office par les trois ans proſchein enſuantz forſpris les baillifs des viſcountes queux ſont enheriteez en lour viſcountees & qe null ſouthviſcount ne clerk de viſcount reſceivour ne baillif de viſcount ſoit attourne en aucun court de Roy pur le temps qil eſt en office au aucun tiel viſcount.

"ITEM, For as much as the King's liege People "dare not purſue or complain of the Extorſions "and of the Oppreſſions to them done by the Officers "of Sheriffs, that is to ſay, by Under-Sheriffs, Clerks "of Sheriffs, Receivers and Bailiffs of Sheriffs, be-"cauſe that the ſaid Under-Sheriffs, Clerks, Receiv-"ers, and Bailiffs be continually, from Year to Year, "abiding with the Sheriffs interchangeably out of one "Office into another;" 'our Lord the King, by 'the Advice and Aſſent aforeſaid, and at the Requeſt 'of the ſaid Commons, hath ordained and eſtabliſhed, 'That they which be Bailiffs of Sheriffs by one Year, 'ſhall be in no ſuch Office by three Years next fol-'lowing, except Bailiffs of Sheriffs which be inheri-'table in their Sheriffwicks. And that no Under-'Sheriff, Sheriff's Clerk, Receiver, nor Sheriff's Bai-'liff, be Attorney in the King's Courts during the 'Time that he is in Office with any ſuch Sheriff.'

CAP. V.

In which Original Writs Additions of the Defendants Names ſhall be put.

ITEM ordeignez eſt & eſtabliz qen cheſcun brief original des actions perſonelx & appelles & enditementz en queux exigend' ſerra agardez qa les nouns des defendauntz en tieux briefs originalx appelles & enditementz ſoient faitz additions de lour eſtat ou degree ou de miſtere & les villes ou hamelles ou lieux & les countees des queux ils furent ou ſount ou en queux ils ſont ou ſerront converſauntz. Et ſi par proceſſe ſur les ditz briefs originalx appelles ou enditements en queux les ditz additions ſoient entreleſſez aucunes utlagariez ſoient pronunciez qils ſoient voidez irritez & tenuz pur null & qe avaunt les utlagaries pronunciez les ditz briefs & enditementes ſoient abatuz par exception du partie par la ou en icelles les ditz additions ſoient enterleſſez. Purveux toutfoitz qe meſqe les dites briefs dactions perſonelx ne ſoient accordauntz as recordes ou faits par la ſuperpluſage des additions ſuiſditz qe pour celle cauſe ils ne ſoient abatuz Et qe les clerks de la Chauncellarie ſouth qi noms tiels briefs iſſeront eſcriptz ne enterleſſent ne facent omiſſion des ditz additions come deſſuis eſt dit ſur peyne deſtre puniz affaire fyn a Roy par diſcretion de Chanceller. Et comencera ceſte ordinance a tenir lieu a ſeute de partie de la feſt de Seint Michel proſchein enavaunt.

'ITEM it is ordained and eſtabliſhed, That in every original Writ of Actions Perſonals, Appeals, and Indictments, and in which the Exigent ſhall be awarded, in the Names of the Defendants in ſuch Writs Original, Appeals and Indictments, Additions ſhall be made of their Eſtate or Degree, or Myſtery, and of the Towns, or Hamlets, or Places, and Counties, of the which they were, or be, or in which they be or were converſant; and if by Proceſs upon the ſaid Original Writs, Appeals, or Indictments, in the which the ſaid Addition be omitted, any Utlagaries be pronounced, that they be void, fruſtrate, and holden for none; and that before the Utlagaries pronounced, the ſaid Writs and Indictments ſhall be abated by the Exception of the Party, where in the ſame the ſaid Additions be omitted. Provided always, That though the ſaid Writs of Additions Perſonals be not according to the Records and Deeds, by the Surpluſage of the Additions aforeſaid, that for that Cauſe they be not abated; and that the Clerks of the Chancery, under whoſe Names ſuch Writs ſhall go forth written, ſhall not leave out, or make Omiſſion of the ſaid Additions as is afore ſaid, upon Pain to be puniſhed, and to make a Fine to the King, by the Diſcretion of the Chancellor. And this Ordinance ſhall begin to hold Place at the Suit of the Party, from the Feaſt of St. *Michael* next enſuing forward.'

4 Ed. 4. f. 10. 6 Co. 67. Cro. El. 198. Cro. Jac. 610. Dyer 46. Bro. Addit. 4. 5, 7, 8, 9, 10, 12, 14, 15, 19. Fitz. Brief, 30, 36, 40, 47, 49, 51, 61, 67, 72, 75, 109, 122, 124, 125, 129, 151, 163, 169, 201, 236, 940. 2 Leon. 183, 200. 3 H. 6. 30. b. pl. 17. 2 Roll. 225. 3 Mod. 139. 1 Shower 16. Hob. 129. Surpluſage of Additions ſhall not prejudice. Mod. Caſes in Law 52.

See 8 H. 6. c. 12. 5 El. c. 23.

where Want of Additions is not amendable.

CAP. VI.

No *Welſhman* ſhall take Revenge againſt thoſe *Engliſhmen* which did purſue their Friends in the late Rebellion. EXP.

CAP. VII.

A Confirmation of the Statute of 3 RICH. 2. *c.* 3. reſtraining Aliens to accept any Benefices in *England*. OB.

CAP.

CAP. VIII.

In Turr. Lond.

EXP. *Explained by* 1 H. 6. c. 3. 2 H. 6. c. 8.

All *Iriſh* Men and *Iriſh* Clerks Beggars, ſhall depart this Realm before the firſt Day of *November*, except Graduates, Serjeants, *&c.*

CAP. IX.

OB.

The Revenues of *Calais* ſhall be employed to the Maintenance of it.

CAP. X.

OB. 12 Car. 2. c. 24.

By what Meaſure Purveyors ſhall take and buy Corn.

Statutes made at Leiceſter, Anno 2 Hen. V. *Stat.* 1. *and* Anno Dom. 1414.

Ex Rot. in Turr. Lond. *m.* 7.

" OUR Lord the King, at his Parliament holden at *Leiceſter* the laſt Day of *April*, the Second Year of his Reign, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Inſtance and Requeſt of the Commons of his Realm in the ſame Parliament aſſembled, hath ordained and eſtabliſhed divers Ordinances, Declarations, and Statutes, made in the Form as followeth."

NOSTRE Seignur le Roy a ſon parlement tenuz a Leyceſtr' le darrein jour de Aprill lan de ſon regne ſeconde de ladvys & aſſent des Seignurs eſpirituelx & temporelx & a les eſpeciales inſtance & requeſt des Communes de ſon Roialme en meſme le parlement eſteantz ad ordeigne & eſtable diverſes ordinances declarations & eſtatut en la fourme qenſuyt.

CAP. I.

Ordinaries ſhall inquire of, and reform the Eſtates of Hoſpitals.

The Cauſes of the Erection of Hoſpitals.

" FIRST, Foraſmuch as many Hoſpitals within the Realm of *England*, founded as well by the noble Kings of this Realm, and Lords and Ladies both Spiritual and Temporal, as by divers other Eſtates, to the Honour of God and of his glorious Mother, in Aid and Merit of the Souls of the ſaid Founders, to the which Hoſpitals the ſame Founders have given a great Part of their moveable Goods for the Buildings of the ſame, and a great Part of their Lands and Tenements, therewith to ſuſtain impotent Men and Women, Lazers, Men out of their Wits, and poor Women with Child, and to nouriſh, relieve and refreſh other poor People in the ſame, be now for the moſt Part decayed, and the Goods and Profits of the ſame, by divers Perſons, as well Spiritual as Temporal, withdrawn and ſpent in other Uſe, whereby many Men and Women have died in great Miſery for Default of Aid, Living, and Succour, to the Diſpleaſure of God, and Peril of the Souls of ſuch Manner of Spenders:" ' The ' King our Sovereign Lord, conſidering the meritorious and devout Intents of the Founders aforeſaid, ' and the unaccuſtomed Government in the ſame, ' hath by the Advice and Aſſent aforeſaid, ordained ' and eſtabliſhed, That as to the Hoſpitals which be ' of the Patronage and Foundation of the King, the ' Ordinaries, by virtue of the King's Commiſſions to ' them directed, ſhall inquire of the Manner and ' Foundation of the ſaid Hoſpitals, and of the Gover' nance and Eſtate of the ſame, and of all other Mat' ters neceſſary and requiſite in this Behalf, and the ' Inquiſitions thereof taken ſhall certify in the King's

EN primes pur taunt qe pleuſeurs hoſpitalx dedenz le Roialme dEngleterre foundez ſibien par les nobles Rois de meſme le Roialme & Seignurs & dames eſpirituelx & temporelx come par autres de diverſes eſtates al honour de Dieu & de ſa glorioufe meere en eide & merit des almes de les ditz foundours as queux hoſpitalx meſmes les foundours ont donez grandement de lour biens moebles pur ledifications dicelles & grandement de lour terres & tenementz pur ent ſuſtener viegles hommes '& femmes lazars hommes & femmes hors de lour ſennes & memories povres femmes enſeintez & autres povres & la nurrir relever & refreſſer en ycelles ſont ore pur la greindre partie encheiz & les biens & profitz dicelles par diverſes perſones eſpirituelx & temporelx retraitz & deſpenduz en autri oeps paront pluſeurs hommes & femmes ont moruz en graund meſchief pur defaute de eide vivre & ſocour al diſpleſance de Dieu & perill des almes de tieux malveis deſpendours le Roy noſtre Seignur treſſoverain conſiderant les merritories & devoutes ententes de les foundours avauntditz & auxi les malveis & inſolent governance en ycelles euz del advis & aſſent ſuiſdit ad ordeigne & eſtablie qe quant as hoſpitalx queux ſont del patronage & fundation le Roy les ordinairs par vertue des commiſſions le Roy a eux adreſſez enquergent del maner de la fundation des ditz hoſpitalx & de la governance & eſtat dicelles & de toutes autres matiers en ceſte partie neceſſairs & boſoignables & linquiſitions ent pris certifient en la Chauncellarie le Roy.

Ex Rot. in Turr. Lond.

Et quant as autres hoſpitalx qi ſont dautri fundation & patronage qe de Roy les ordinairs enquergent del manere de la fundation eſtat & governance dicelles & de toutz autres maters & choſes boſoignables celle partie & ſur ce facent ent correction & reformation ſelonc les loies de ſeint eſgliſe come a eux appertient.

'Chancery. And as to other Hoſpitals which be 'of another Foundation and Patronage than of the 'King, the Ordinaries ſhall inquire of the Manner of 'the Foundation, Eſtate, and Governance of the 'ſame, and of all other Matters and Things neceſſary 'in this Behalf, and upon that make thereof Correc-'tion and Reformation according to the Laws of holy 'Church, as to them belongeth.' 6 H. 7. f. 14.

CAP. II.

A *Corpus cum cauſa*, or *Certiorari*, to remove him who is in Execution at another Man's Suit.

ITEM pur ceo qe pleuſeurs gentz ont eſtez condempnes en les courtz noſtre dit Seignur le Roy & en les courtz de ſez nobles progenitours ſibien deinz la Citee de Loundres come en autres citees & burghs deinz le Roialme dEngleterre & par vertue de tielx condempnations ont eſtez commis a la priſone noſtre Seignur le Roy pur y demorer tanque ils ont fait gree as pleintifs vers queux ils furent condempnez & apres par lour ſuggeſtions faitz en la Chauncellarie noſtre Seignur le Roy ont euz diverſes briefs appellez certiorari corpus cum cauſa hors de la Chauncellarie noſtre Seignur le Roy directz as viſcountz ou gardeins dez priſones ou tielx gentz condempnez ſont detenuz pur avoir lour corps ove la cauſe denpriſonement de les condempnez ſuiſditz en la Chauncellarie as jours contenuz en les ditz briefs apres queux briefs enſemblement oveſqe le corps & la cauſe de condempnation retournez en la Chauncellarie ſuiſdite les ditz gentz iſſint condempnez ont eſtez deliverez en la Chauncellarie avauntdit par baille ou par mainpriſe ou a large ſanz baille ou mainpriſe encontre laſſent & volunte des ditz pleintifs & ſanz aſcun gree faire as ditz pleintifs de les ſommes en queux ils ſont condempnez encontre la leie de la terre & iſſint demurgent les ditz pleintifs ſanz remedie en anientiſement de leſtat de tielx pleintifs & en defeſaunce des juggementz renduz en les courtz avauntditz noſtre dit Seignur le Roy voillant ent faire remedie del advys & aſſent avauntditz & a la requeſte des Communes ſuiſdites ad ordeigne & eſtablie qe ſi aſcun tiel brief de certiorari corpus cum cauſa ſoit graunte ou ſerra graunte en temps avenir & ſur le dit brief ſoit retourne qe le priſoner qeſt iſſint detenu en priſone ſoit condempne par juggement qe maintenant ſoit remande ou demurge continuelment en priſone ſolonc la ley de la terre ſanz eſtre leſſez aler par baille ou par mainpriſe encontre la volunte des pleintifs ſuiſditz tanqe lour ſoit fait gree de les ſommes iſſint adjuggez.

"ITEM, Foraſmuch as many Men have been con-"demned in the Courts of our Lord the King, and "in the Courts of his Progenitours, as well within the "City of *London*, as in other Cities and Boroughs "within the Realm of *England*, and by the virtue of "ſuch Condemnations have been committed to the "Priſon of our Lord the King, there to remain until "they have made Agreement to the Plaintiffs to whom "they were condemned; after by their Suggeſ-"tion made in the Chancery of our Lord the King, "they have had divers Writs called *Certiorari*, and "*Corpus cum Cauſa*, out of the Chancery of our ſaid "Lord the King, directed to the Sheriff, or Keepers "of the Priſons where ſuch Perſons condemned be "holden, to have their Bodies, with the Cauſe of Im-"priſonment of the condemned aforeſaid, in the Chan-"cery, at the Days contained in the ſaid Writs; "after which Writs, together with the Body and the "Cauſe of the Condemnation, returned in the Chan-"cery aforeſaid, the ſaid Perſons ſo condemned have "been delivered in the Chancery aforeſaid by Bail or "by Mainpriſe, or enlarged without Bail or Mainpriſe, "againſt the Aſſent and Will of the ſaid Plaintiffs, "and without any Agreement made to the ſaid Plain-"tiffs of the Sums in the which they be condemned, "againſt the Law of the Land; and ſo remain the ſaid "Plaintiffs without Remedy, in hinderance of the "State of ſuch Plaintiffs, and in defeating of the "Judgements given in the Courts aforeſaid:" 4 H. 6. f. 8.
'Our Lord the King, willing herein to provide Re- 20 H. 6. f. 3.
'medy, by the Advice and Aſſent aforeſaid, and at the 38 H. 6. f. 12.
'Requeſt of the foreſaid Commons, hath ordained and 2 Ed. 4. f. 8.
'eſtabliſhed, That if any ſuch Writ of *Certiorari*, or 24 Ed. 3. f. 27.
'*Corpus cum cauſa*, be granted, or ſhall be granted at
'any Time hereafter, and upon the ſaid Writ if it be
'returned, that the Priſoner which is ſo holden in Pri-
'ſon is condemned by Judgement given againſt him,
'that preſently he ſhall be remanded, where he ſhall
'remain continually in Priſon according to the Law
'and Cuſtom of the Land, without being let to go by
'Bail or by Mainpriſe againſt the Will of the ſaid
'Plaintiffs, until Agreement be made to them of the
'Sums ſo adjudged.' Fitz. N. B. 242.

CAP. III.

A Copy of the Libel in the Spiritual Court ſhall be delivered.

ITEM pur ceo qe diverſes lieges noſtre Seignur le Roy ſont citez de jour en autre dapparoir en courte Chriſtiene devaunt juges eſpirituelx a y reſpondre as diverſes perſones ſibien des choſes qe touchent frank tenement dette treſpaſſez covenantz & autres des queux la coniſance appertient al

"ITEM, Foraſmuch as divers of the King's liege 12 Co. 61.
"People be daily cited to appear in the Spiritual 13 Co. 41.
"Court before Spiritual Judges, there to anſwer to di-
"vers Perſons, as well of Things which touch Free-
"hold, Debt, Treſpaſſes, Covenants, and other Things
"whereof the Coniſance pertaineth to the Court of

"our

CAP. VIII.

In Turr. Lond.

EXP. *Explained by* 1 H. 6. c. 3. 2 H. 6. c. 8.

All *Iriſh* Men and *Iriſh* Clerks Beggars, ſhall depart this Realm before the firſt Day of *November*, except Graduates, Serjeants, *&c.*

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'eſtabliſhed, That if any ſuch Writ of *Certiorari*, or 24 Ed. 3. f. 27.
'*Corpus cum cauſa*, be granted, or ſhall be granted at
'any Time hereafter, and upon the ſaid Writ if it be
'returned, that the Priſoner which is ſo holden in Pri-
'ſon is condemned by Judgement given againſt him,
'that preſently he ſhall be remanded, where he ſhall
'remain continually in Priſon according to the Law
'and Cuſtom of the Land, without being let to go by
'Bail or by Mainpriſe againſt the Will of the ſaid
'Plaintiffs, until Agreement be made to them of the
'Sums ſo adjudged.' Fitz. N. B. 242.

CAP. III.

A Copy of the Libel in the Spiritual Court ſhall be delivered.

ITEM pur ceo qe diverſes lieges noſtre Seignur le Roy ſont citez de jour en autre dapparoir en courte Chriſtiene devaunt juges eſpirituelx a y reſpondre as diverſes perſones ſibien des choſes qe touchent frank tenement dette treſpaſſez covenantz & autres des queux la coniſance appertient al

"ITEM, Foraſmuch as divers of the King's liege 12 Co. 61.
"People be daily cited to appear in the Spiritual 13 Co. 41.
"Court before Spiritual Judges, there to anſwer to di-
"vers Perſons, as well of Things which touch Free-
"hold, Debt, Treſpaſſes, Covenants, and other Things
"whereof the Cogniſance pertaineth to the Court of
"our

" our Lord the King, as of Matrimony and Teſta-
" ment; and when ſuch Perſons ſo cited appear
" and demand a Libel of that which againſt them is
" ſurmiſed, to be informed to give their Anſwer there-
" unto, or otherwiſe to purchaſe a Writ of our Lord
1 Lutw. 134. " the King, of Prohibition, according to their Caſe,
4 Ed. 4. f. 37. " which Libel to them is denied by the ſaid Spiritual
Cro. Jac. 37. " Judges, to the Intent that ſuch Perſons ſhould not
3 Bulſtr. 51, " be aided by any ſuch Writ, againſt the Law, and to
120. " the great Damage of ſuch Perſons ſo impleaded:"
' Our ſaid Lord the King, by the Advice and Aſ-
' ſent of the Lords Spiritual and Temporal, and at the
' Requeſt and Inſtance of the ſaid Commons, hath or-
' dained and eſtabliſhed, That at what Time the Libel
' is grantable by the Law, that it may be granted and
Raſt. 483. ' delivered to the Party without any Difficulty.'

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courte noſtre Seignur le Roy come de matrimonie & teſtament & qant tielx perſones iſſint citeez appiergent & demandent un libell de ceo qe lour eſt ſurmys pur eſtre enformez a doner lour reſpons illoeqes ou autrement a purchacer brief noſtre Seignur le Roy de prohibition ſelonc lour cas quell libell lour eſt denie par les ditz juges eſpirituelx al entent qe tielx perſones ne ſerront mye par nul tiel brief aidez encontre ley & as graundes damages de tielx perſones iſſint empledez noſtre dit Seignur le Roy del advis & aſſent ſuiſditz & a la prier des ditz Communes ad ordeigne & eſtablie qe a quelle heure la copie de la libell eſt grauntable par la ley qil ſoit graunte & livere a la partie ſanz difficulte.

CAP. IV.

What Juſtices of Peace muſt be Reſident in the ſame Shire; and at what Times they muſt hold their Quarter-Seſſions.

" ITEM, Foraſmuch as the Servants and Labour-
" ers of the Shires of the Realm do flee from
" County to County, becauſe they would not be juſti-
" fied by the Ordinances and Statutes by the Law for
" them made, to the great Damage of Gentlemen and
" others, to whom they ſhould ſerve, becauſe that the
' ſaid Ordinances and Statutes for them ordained be
" not executed in every Shire;" ' our Lord the
' King, willing in this Caſe to provide a Remedy, by
' the Advice and Aſſent aforeſaid, and at the Requeſt
' of the ſaid Commons, hath ordained and ſtabliſhed,
' That the Statute of Labourers made at *Cambridge*,
' and all other good Statutes of Labourers made, and
' not repealed, be firmly holden and kept, and put
' in due Execution. And moreover, That the Ju-
12 R. 2. c. 3. & c. ' ſtices of Peace have Power to ſend their Writs for
Juſtices of the ' ſuch fugitive Labourers, to every Sheriff of the Realm
Peace may ſend ' of *England*, and to make ſuch Proceſs as the Statute
their Writs for ' requireth, to bring them before them to anſwer to
fugitive Servants ' our Sovereign Lord the King, and to the Parties, of
or Labourers to ' the Contempts and Treſpaſſes made or done againſt
every Sheriff of ' the Ordinances and Statutes aforeſaid, in like Man-
England. ' ner as the Juſtices have Power to ſend to every She-
Rep. 5 El. c. 4. ' riff for the Felons before them indicted. And
' alſo that all the Statutes and Ordinances of Labour-
' ers, Servants, and Artificers before this Time made,
' and not repealed, be exemplified under the Great
' Seal, and ſent to every Sheriff of the Realm of *Eng-*
' *land*, thereof to make Proclamation in full County,
' and after Proclamation ſo made, that every She-
' riff ſhall cauſe the ſaid Exemplification to him di-
' rected, to be delivered to the Juſtices of the Peace in
' his County named of the *Quorum*, or to one of them,
' to remain with ſuch Juſtices which be, or ſhall be,
' for the better putting of the foreſaid Statutes and
' Ordinances in due Execution. And in Shires where
' divers Commiſſions of the Peace be made, there ſhall
' be ſo many Exemplifications of the Statutes and Or-
' dinances aforeſaid made, as be Commiſſions of the
' Peace in the ſame Shires, and ſent to the Sheriff to
' make Proclamation, and to deliver the ſame, as is
' aforeſaid.

What Juſtices of Peace and ' II. And that the Juſtices of the Peace in every
' Shire named of the *Quorum*, be reſiant within the

ITEM pur tant qe les ſervantz & laborers des countees du Roialme ſenfuent des countees es countees a cauſe qils ne voudrent eſtre juſtifiez par les ordeignances par ley ſur eux faitz a graunt damage des gentils & des autres as queux ils ſerverent a cauſe qe les ditz ordeignances & eſtatutz ſur eux faitz ne ſont mye executz en toutz countees noſtre Seignur le Roy voillant purvoir de remedie ceſt partie del aſſent & advys avantditz & a la requeſt des ditz communes ad ordeigne & eſtablie qe leſtatut de laborers fait a Cantebrigg & toutes autres bones eſtatutz des laborers faitz & nient repellez ſoient fermement tenuz & gardez & mys en due execution. Et outre ceo qe les Juſtices du pees eient poair de mander ſour briefs pur tielx laborers fugitifs a cheſcun viſcount dEngleterre & de faire autielx proceſſes come leſtatut des laborers requiert pur eux ameſner devaunt eux a reſpondre a noſtre Seignur le Roy & a les parties des contemptz & treſpaſſez faitz encountre les ordeignances & eſtatutz ſuiſditz en maner come les ditz juſtices ont poair de mander a cheſcun viſcount pur larons devaunt eux enditez. Et auxi qe toutz les eſtatutz & ordeignances des laborers ſervantz & artificers devaunt ces heures faitz & nient repellez ſoient exemplifiez deſoutz le grauntz ſeal & mandez a cheſcun viſcont dEngleterre dent faire proclamation en pleine countee & puis celle proclamation faite qe cheſcun viſcont face deliverer la dite exemplification a luy direct as juſtices de la pees en ſon countee nomez en la Quorum ou a un de eux a demurrer envers tielx juſtices qi ſont ou ſerront pur le mielx mettre les ditz eſtatutz & ordeignances en due execution. Et es countees ou diverſes commiſſions de la pees ſont faitz ſoient atantz des exemplifications des eſtatutz & ordeignances avauntditz faitz come ſont commiſſions de la pees en meſme le countee & mandez a viſcont a faire proclamation & les liverer come deſſuis eſt dit.

Et qe les juſtices de la pees en cheſcun countee nomez en la Quorum reſeantz deinz meſme le

counte

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counte exceptz Seignurs nomez en la commiſſion de pees & auxi exceptz les Juſtices de lun Banc & de lautre chief Baron de leſcheqer ſergeantz de la leie & attournes du Roy pur le temps qe meſmes les Juſtices chief Baron ſergeantz & attournez ſont entendantz & occupiez en les courtz du Roy ou aillours occupiez en ſervice le Roy facent lour ſeſſions quatre foitz par an ceſtaſſavoir en la primer ſemaigne apres le feſt de Seint Michel & la primer ſemaigne apres le feſt de Tiphaine & en la primer ſemaigne apres le clauſe de Paſk & en la primer ſemaigne apres la tranſlation de Seint Thomas le martir & pluis ſovent ſi meſtier ſoit. Et qe meſmes les Juſtices tiegnent lour ſeſſions parmy tout Engleterre en meſmes les ſemaignes cheſcun an deſore en avaunt & auxi qe les juſtices de la pees deſormes eient poair dexaminer ſibien toutz maners laborers ſervantz & lour meſtres come artificers par lour ſerementz de toutz maters & choſes par eux faitz a contrarie des eſtatutz & ordinances avauntditz & ſur ceo de les punir ſur lour coniſſance ſelonc leffect de les eſtatutz & ordeignances avauntditz ſicome ils feurent convictz par enqueſt. Et qe le viſcount de cheſcun countee en Engleterre face bien & duement ſon office celles parties ſur peyn de perdre au Roy xx livres.

‘ ſame Shire, except Lords named in the Commiſſion of the Peace; and alſo except Juſtices of the one Bench, and of the other, the Chief Baron of the *Exchequer*, Serjeants at the Law, and the King's Attorney, for the Time that the ſame Juſtices, Chief Baron, Serjeants at the Law, and the King's Attorney, be intending and occupied in the King's Court's, or otherwiſe in ſome other Place occupied in the King's Service; and make their Seſſions four Times by the Year, that is to ſay, In the firſt Week after the Feaſt of Saint *Michael*, and in the firſt Week after the *Epiphany*, and in the firſt Week after the Clauſe of *Eaſter*, and in the firſt Week after the Tranſlation of Saint *Thomas* the Martyr, and more often, if need be. And that the ſame Juſtices hold their Seſſions throughout the Realm of *England* in the ſame Weeks every Year from henceforth. And alſo that the Juſtices of Peace from henceforth have Power to examine as well all Manner of Labourers, Servants, and their Maſters, as Artificers, by their Oaths, of all Things by them done contrary to their ſaid Ordinances and Statutes, and upon that to puniſh them upon their Confeſſion, after the Effect of the Statutes and Ordinances aforeſaid, as though they were convict by Inqueſt. And that the Sheriff in every Shire of the Realm of *England* ſhall do well and duly his Office in this Behalf, upon pain to loſe and to forfeit to our Lord the King twenty Pounds.’

Quorum muſt be reſiant in the ſame Shire, what not.

At what Times Juſtices of the Peace ſhall hold their Quarter Seſſions. 36 Ed. 3. c. 12. 12 R. 2. c. 10. Twice in the Year ſufficient in *Middleſex* by 14 H. 6. c. 4.

Juſtices of Peace may examine Labourers. *See farther Index, tit.* Juſtices of the Peace.

CAP. V.

Proceſs againſt Felons dwelling in *Tyndal* or *Exhamſhire* in *Northumberland*.

ITEM pur ceo qe depar les communes del countee de Northumbr' ont eſte faitz treſgrevouſes compleints a noſtre tres ſoveraigne Seignur le Roy en ceſt preſent parlement de ceo qe pleuſeurs murdres treſons homicides roberies & autres malfaitz a pluſeurs ſez loialx lieges de meſme le counte par gentz demurrantz en icell countee dedeins les franchiſes de Tyndale & Exhamſhire ou le brief le Roi ne court mys ja tarde ont eſte perpetrez autrement qe nont eſte faitz ou conuz pardevant atant de peril de les ditz lieges du Roy qe ſanz due remedie celle partie mettre ils noſerent a y demorer longement enavant a cauſe qe tielx malfeſours ſont enſi favorez par tielx franchiſes. Noſtre dit Seignur le Roy del advis & aſſent avantditz & al requeſt des ditz communes ad ordeigne & eſtablie qe ſi aſcune perſone des ditz franchiſes de Tyndale & Exhamſhire reſceant ou demurant deinz ycelles de quell eſtat ou condition il ſoit face murdres treſons homicides ou robberies ou conſent de les faire hors des ditz franchiſes de Tyndale & Exhamſhire proceſſe ſoit fait devers luy par la commune leie tanqe il ſoit utlage & qe apres tiele utlagarie pronuncie & retourne facent ent les juſtices devaunt queux tiele utlagarie ſoit retourne certification a tieux miniſtres ou a tiel miniſtre des ditz franchiſes come a eux ſemblera meulz celle partie ſolonc lour diſcretion & ſoit tiel feloun pris par tiel miniſtre ou tielx miniſtres & ſez terres & tenementz biens & chateux eſteantz deinz icelles franchiſes ſeiſez es mains des Seignurs de meſmes les

“ ITEM, Foraſmuch as by the Commons of the County of *Northumberland* grievous Complaints have been made to our Sovereign Lord the King in this preſent Parliament, for that many Murders, Treaſons, Manſlaughters, Robberies, and divers other Offences, to many of the faithful liege People of the ſame County, by People dwelling in the ſame County within the Franchiſe of *Tyndal* and *Exhamſhire*, where the King's Writ runneth not, now of late have been perpetrated otherwiſe than have been done or known before this Time, to ſo many Perils of the ſaid liege People of our Lord the King, that without due Remedy in this Behalf provided, they dare no longer there dwell, becauſe that ſuch Offenders be ſo favoured by ſuch Franchiſes;” ‘ our ‘ ſaid Lord the King, by the Advice and Aſſent aforeſaid, and at the Requeſt of the ſaid Commons, hath ‘ ordained and eſtabliſhed, That if any Perſon of the ‘ ſaid Franchiſes of *Tyndal* and *Exhamſhire*, reſiant or ‘ dwelling in the ſame, of what Eſtate or Condition ‘ that he be, do any Murders, Treaſons, Manſlaughters, or Robberies, or conſent to do them, out of the ‘ ſaid Franchiſes of *Tyndal* and *Exhamſhire*, Proceſs ſhall ‘ be made againſt him by the common Law until he ‘ be outlawed; and that after ſuch Outlawry pronounced and returned, the Juſtices before whom ſuch ‘ Outlawry is returned ſhall make thereof Certificate ‘ to ſuch Miniſter or Miniſters of the ſaid Franchiſes, ‘ as to them ſhall ſeem beſt in this Behalf, according to their Diſcretion; and ſuch Felon ſhall be ‘ taken by ſuch Miniſter or Miniſters, and his Lands ‘ and Tenements, Goods and Chattles, being within ‘ the ſame Franchiſe, ſeiſed into the Hands of the

4 Inſt. 278.

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'Lords of the ſame Franchiſes of *Tyndal* and *Exham-*
'*ſhire* for the Time being, as forfeit; and that
'the other Lands and Tenements, Goods and Chat-
'tles of ſuch Felon, being out of the ſame Franchiſes,
'ſhall wholly remain to the King, and to other Lords
'having thereof Franchiſe, as forfeit; ſaving al-
'ways to the King the Forfeitures of ſuch Murderers,
'Traitors, Manſlayers, Robbers, and other Offenders,
'and of other Things which to him do belong as of
'the Right of his Crown.'

franchiſes de Tyndale & Exhamſhire pur le temps eſteantz come forfeitz & qe les autres terres & tenementz biens & chateux de tiel felon eſteantz hors de meſmes les franchiſes demurgent entierment au Roy & as autres Seignurs aiantz ent franchiſes come forfaitz ſavant toutzfoitz au Roy les forfaitures dautiels murdrours traitours homicidours robbours & autres malfeſours queconqes & dautres choſes queux a luy appertiegnent come de droit de ſa corone.

Extended by 9 H. 5. *ſtat.* 1. c. 7. *By* 14 El. c. 13. Hexham *and* Hexamſhire *declared to be within the County of* Northumberland.

CAP. VI.

Breaking of Truce and Safe Conduct ſhall be High Treaſon. In every Port there ſhall be a Conſervator of the Peace and Safe Conduct.

4 Inſt. 152. Some have broken Truces and Safe Conducts, and others have received and maintained them.

"ITEM, Foraſmuch as before this Time divers "People, compriſed within the Truces made as "well by our Lord the King that now is, as by his no-"ble Father, and alſo divers other People having Safe "Conducts, as well of our Lord the King that now is, "as of his noble Father, have been ſome ſlain, robbed "and ſpoiled, by the King's liege People and Subjects, "as well upon the main Sea, as within the Ports and "Coaſts of the Sea of *England*, *Ireland*, and of *Wales*, "whereby the ſaid Truces and Safe Conducts have been "broken and offended, to the great Diſhonour and "Slander of the King, and againſt his Dignity; "and the ſaid Manſlayers, Robbers, Spoilers, and Of-"fenders of the ſaid Truces and the King's Safe Con-"ducts, as is afore declared, have been by divers of the "King's liege People and Subjects within the Coaſts "of divers Counties, received, abetted, procured, con-"cealed, hired, ſuſtained, and maintained:" 'Our 'ſaid Lord the King, by the Advice and Aſſent afore-'ſaid, and at the Requeſt of the ſaid Commons, hath 'ordained and declared, That ſuch Manſlaughter, 'Robbery, Spoiling, Breaking of Truce and Safe Con-'ducts, and voluntary Receit, Abetment, Procurement, 'Concealing, Hiring, Suſtaining, and Maintaining of 'ſuch Perſons, to be done in Time to come by any of 'the King's liege People and Subjects within the 'Realm of *England*, *Ireland*, and *Wales*, or upon the 'main Sea, ſhall be adjudged and determined for High 'Treaſon done againſt the King's Crown and his Dig-'nity. And in every Port of the Sea ſhall be made 'and aſſigned from henceforth by the King, by his Let-'ters Patents, one lawful Man called a Conſervator of 'the Truce and the King's Safe Conducts, which ſhall 'have forty Pounds Lands by the Year at the leaſt. 'And that the Conſervator have Power and Autho-'rity by the ſaid Letters Patents, and alſo by Commiſ-'ſion of the Admiral of *England*, to inquire of all ſuch 'Treaſons and Offences to be done againſt the Truce 'and Safe Conducts upon the main Sea, out of the 'Body of the Counties, and out of the Franchiſes of 'the Five Ports of the King, as the Admirals of the 'Kings of *England* before this Time reaſonably, after 'the old Cuſtom and Law on the main Sea uſed, have 'done or uſed. And alſo that the ſaid Conſervator 'have like and the ſame Power to puniſh all them 'which be or ſhall be indicted or accuſed before him, 'as well at the King's Suit as at the Party's, of any 'thing to be done againſt the Truce and the King's 'Safe Conducts upon the main Sea, out of the Body

Breaking of Truce and Safe Conducts ſhall be High Treaſon.
Rep. 20 H. 6. c. 11.
1 Ed. 6. c. 12.
1 M. ſeſſ. 1.

A Conſervator of the Truce ſhall be appointed in every Port of the Sea.

The Authority of the Conſervator of the Truce.

ITEM pur ceo qe devaunt ces heures diverſes gentz compriſez deinz les trieues ſibien faitz par noſtre Seignur le Roy qore eſt come par ſon treſnoble pier & auxi autres diverſes gentz aiantz ſaufconduitz ſibien de noſtre dit Seignur le Roy qore eſt come de ſon dit treſnoble pier ount eſtez aſcuns tueez aſcuns robbes & deſpoillez par les lieges & ſubgitz de Roy ſibien ſur le haut mer come deinz les portz & coſtes de meer dEngleterre dIrland & de Gales parount les ditz trieues & ſaufconduitz ount eſte rumpez & offenduz a graunde diſhonure & deſclaundre de Roy & encountre ſa dignite. Et les ditz tuers des hommes robbours ſpoilleurs & offendours de les ditz trieues & ſaufconduitz du Roy come deſſuis eſte declaree ount eſte par diverſes lieges & ſubgitz de Roy deinz les coſtes de diverſes countees recettez abettez procurez counſeillez loueez ſuſtenez & maintenuz. Noſtre dit Seignur le Roy del advis & aſſent ſuiſditz & al priere des dites communes ad ordeine & declaree qe tielx tuerie robberie eſpoillerie rumperie des trieues & ſaufconduitz de Roy & voluntaries receit abettement procurement counſeill louere ſuſtenance & maintenance de tielx perſones affaires en temps avenir par aſcuns des lieges & ſubgitz de Roy deinz les roialmes dEngleterre dIrland & Gales ou ſur le haut meer ſoient adjuggez & determinez pur haut treſon fait encountre la corone & dignite de Roy. Et qe en cheſcun port de meere ſoit fait & aſſigne deſore enavaunt par le Roy par ſez lettres patentz un loial homme appelle Conſervatour des trieues & ſaufconduitz de Roy qi eit xl. liverees du terre par an a meyns. Et qe le dit conſervatour eit poair & auctorite par les ditz lettres patentz & auxi par commiſſion del Admiral dEngleterre denquerer de toutz tielx treſons & offenſes affairez encountre les trieues & ſaufconduitz de Roy ſur le haut meere hors des corps des countees & hors del fraunchiſe des cink portz de Roy come les Admiralles des Roys dEngleterre devant ces heures reſonablement ſolonc launcien cuſtume & leye ſur le meere uſez ount faitz ou uſez. Et enſement qe le dit conſervatour eit autiele & meſme le poair de punir toutz ceux qi ſount ou ſerrount enditez ou accuſez devaunt luy ſibien a ſuyte de Roy come a ſuyt de partie daſcune choſe affaire encountre les trieues & ſaufconduitz de Roy ſur le haut meere hors des corps

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des countees & libertees de roialme dEngleterre & hors de le dit fraunchiſe de cynk portz par tieles proces examination proves determination juggement & execution come les Admiralles des Roys dEngleterre devant ces heures reſonablement ſolonc launcien cuſtume & ley ſur la meer uſez, ount faitz ou uſez.

Forſqe qe la determination de mort de homme ceſt partie & lexecution dicell ſoient tutditz reſervez a dit admirall ou a ſon lieutenant general hors de la dit franchiſe des ditz cink portz. Et qe le dit conſervatour eit plein poair & auctorite denquerer ſibien deinz libertees & franchiſes come dehors par gentz enhabitantz deinz le corps de countee & liberte ou le dit port eſt de toutz tielx treſons & offenſes affaires encountre les trieues & ſaufconduitz de Roy deinz les corps de countee & liberte ou le dit port eſt & de fair envers tieux a enditerz devaunt luy proces en la fourme enſuant ceſtaſſavoir par Capias & Exigendes qi iſſeront ſibien en meſmes les countees des quelles eſt ſuppoſe tieux enditez eſtre come en les countees lou tieux enditementz ſont priſez les queux capias & exigendes en ambideux countees ſoient retournables a un meſme jour & qe le primer Capias en ambideux countees eit jour de retourne par un moys a meyns & en cas qe Capias & Exigendes ſoient ceſte partie agardes qe les nouns & ſurnouns de tieux a endturs & a la ville & de counte & la miſtiere dont ils ſont ſoient eſpecifiez en lenditementz & en les proceſſes dicelles. Et qe le dit conſervatour eit plein poair doier a ſuyte de queconqe qi ſoi voudra pleindre devaunt luy daſcune offenſe a la partie fait encountre les ditz trieues & ſaufconduitz. Et qe deux hommes oppriſez de ley ſoint nomez & aſſociez en cheſcune commiſſion de Roy affaire a tiel conſervatour. Et qe le dit conſervatour & les ditz hommes appriſez de ley en la dite commiſſion a luy aſſociez eient plein poair & auctorite de fair due deliverance ſolonc la ley de la terre de tielx enditez devant le dit conſervatour des choſes affairez deinz le corps de countee ou lebertee ou le dit port eſt encountre les ditz trieues & ſaufconduitz de Roy & determiner tieux ſuytes commencez a ſuyt de qiconqe partie qi ſoy voudra pleindre devaunt le dit conſervatour daſcune offenſe a luy fait encountre les ditz trieues & ſaufconduitz & en diue redreſſe & remedie faire. Et qe les ditz deux hommes iſſint a le dit conſervatour aſſociez ſoient aſſiſtentz & entendantz a dit conſervatour pur faire les deliverances & determination en manere & fourme avauntditz qant ils ſount par le dit conſervatour reſonablement requis. Et qe le dit conſervatour & les ditz deux hommes de ley ſoient jurrez qils ne null de eux prendra ou prendront de nully ſinoun du Roy fee doun louere gage regarde ne brocage en aſcun manere celle partie en deſtourbance de due inquiſition & puniſſement de tielx traitours & offendours avauntditz. Et qe le dit conſervatour ſerra reſeant en le port et lieu ou il ſerra aſſigne conſervatour come avaunt eſt dit. Et prendra cheſcun conſervatour pur le dit office cheſcun an xl. li. de Roy a meyns. Et qils ſoient

‘ of the Counties and Liberties of the Realm of *England*, and out of the Franchiſe of the Five Ports, by ‘ ſuch Proceſs, Examination, Proofs, Determination, ‘ Judgement, and Execution, as Admirals of the Kings ‘ of *England* before this Time reaſonably, according ‘ to the old Cuſtom and Law upon the main Sea uſed, ‘ have done or uſed.

‘ II. Saving the Determination of the Death of a ‘ Man in this Behalf, and the Execution of the ſame, ‘ ſhall be always reſerved to the ſaid Admiral, or to his ‘ general Lieutenant out of the ſaid Franchiſes of the ‘ Five Ports. And that the ſaid Conſervator have ‘ full Power and Authority to inquire, as well within ‘ Liberties and Franchiſes as without, by Men inhabiting within the Body of the County and Liberty ‘ where the ſaid Port is, of all ſuch Treaſons and Offences to be done againſt the Truces, and againſt ‘ the King's Safe Conducts, within the Body of the ‘ County and Liberty where the ſaid Port is, and to ‘ make againſt thoſe Perſons before him ſo indicted, ‘ ſuch Proceſs as here followeth, that is to ſay, by *Capias* and *Exigent*, which ſhall as well go into the ‘ Counties of which ſuch Men ſo indicted be ſuppoſed ‘ to be, as into the Counties where ſuch Indictments ‘ be taken; which *Capias* and *Exigent* aforeſaid in ‘ both Counties ſhall be returned at one Day, and ‘ that the firſt *Capias* in both Counties have Day of ‘ Return by a Month at the leaſt: And in caſe that ‘ the *Capias* and *Exigent* be awarded in this Behalf, ‘ that the Names and Surnames of ſuch Perſons ſo ‘ indicted, and the Town and the County, and Myſtery whereof they be, ſhall be ſpecified and declared ‘ in the Indictments and Proceſſes of the ſame. And ‘ that the ſaid Conſervator have full Power to hear, ‘ at every Man's Suit which will complain before ‘ himſelf, of any Offence done to the Party againſt ‘ the ſaid Truces and Safe Conducts. And that two ‘ Men learned in the Law be named and aſſociate in ‘ every Commiſſion of our Lord the King to be made ‘ to ſuch Conſervator. And that the ſaid Conſervator, and the ſaid Men learned in the Law, in the ‘ Commiſſion to him aſſociate, ſhall have full Power and ‘ Authority, to make Deliverance, according to the ‘ Law and Uſage of the Land, of ſuch Men ſo indicted before the ſaid Conſervator, of Things to be done ‘ within the Body of the County or Liberty where ‘ the ſaid Port is, againſt the ſaid Truce and the King's ‘ Safe Conducts, and to determine ſuch Suits commenced at any Man's Suit which will complain before the ſaid Conſervator, of any Offence done to ‘ him againſt the ſaid Truce and Safe Conducts, and ‘ thereof to make due Redreſs and Remedy. And ‘ that the ſaid two Men to the ſaid Conſervator ſo ‘ aſſociate, be aſſiſting and attending to the ſaid Conſervator to make the Deliverances and Determination in the Manner and Form aforeſaid, when they ‘ be by the ſaid Conſervator reaſonably required. And ‘ that the ſaid Conſervator, and the ſaid two Men of ‘ Law, be ſworn, that they, nor none of them, ‘ ſhall take Fee, Gift, Hire, Wages, Reward, or Brokage, of any other than of the King in any wiſe in ‘ this Behalf, in hindrance of due Execution and Puniſhment of ſuch Traitors and Offenders aforeſaid. ‘ And that the ſaid Conſervator ſhall be reſiant in the ‘ Port and Places where he ſhall be Conſervator aſſigned as aforeſaid; And every Conſervator ſhall ‘ take yearly for the ſaid Office Forty Pounds of the

Death of a Man excepted out of the Conſervator's Authority.

Proceſs to be awarded againſt thoſe that be indicted.

The Additions of the Parties indicted ſhall be inſerted.

Two Men learned in the Law ſhall be aſſociate in the Conſervator's Commiſſion. The Authority of the Conſervator and the two Aſſociates.

The Oath of the Conſervator and Aſſociates.

'King at the leaſt; and that they be ſworn, that if 'any Perſon, of what Eſtate or Condition ſoever he 'be, procure, excite, or abet them, or any of them, 'to do any Thing contrary to this Ordinance and 'Oath aforeſaid, that every of them ſhall make due 'Relation to our Sovereign Lord the King, or to the 'Chancellor of *England* for the time being, as ſpeedily 'as he well may, without Concealment in any Point, 'upon Pain of Impriſonment, and to make Fine and 'Ranſom at the King's Pleaſure; And that the ſaid

The Conſervator ſhall have a Seal.

'Conſervator have a Seal of our Lord the King or-'dained for the ſaid Office. And that the Maſter of 'the Ship, Barge, or Balinger, or other Veſſel in the 'ſaid Port, be ſworn, and the Poſſeſſor alſo, if he be

The Office of the Maſter and Poſſeſſor of a Ship.

'preſent, before the ſaid Conſervator, before that he 'paſs out of the ſaid Port, that he ſhall not attempt 'to do any Thing againſt the ſaid Truce and the 'King's Safe Conducts. And alſo that the ſaid Con-

What ſhall be inrolled by the Conſervator.

'ſervator ſhall cauſe to be inrolled of Record before 'him, as well the Names of ſuch Owners and Maſters, 'as the Names of their Ship, Barge, Balinger, or other 'Veſſel, together with the Number of the Mariners

The Conſervator ſhall be informed of all Things taken from the King's Enemies by the Mariners.

'in the ſame being. And if they take any Thing of 'the King's Enemies, or of any others, they ſhall 'cauſe to be brought ſuch Things taken into the 'Port, and thereof make full Information to the ſaid 'Conſervator, before that they thereof make Diſ-'charge or Sale; if it be not that by Force of Wind, 'Tempeſt, or of Enemies, or ſome other reaſonable 'Cauſe, ſuch Ship, Barge, Balinger, or other Veſſel, 'muſt enter into another Port for the Preſervation of 'the ſame Veſſel, or other Cauſe reaſonable; and that 'then they ſhall make full Information to the ſaid Con-'ſervator, or to the Conſervator of the Port in which 'the ſaid Veſſels arrive or enter, of the Prize, and of 'the Quantity of the Thing, receiving a Letter teſti-'monial under the ſaid Seal of the aforeſaid Conſerva-'tor, by the which the Conſervator of the ſaid Port, 'whereof the Veſſel or Veſſels ſhall go out, may have 'Notice of the Quantity, and alſo of the Value of the 'Goods and Chattels ſo taken. And if any Poſſeſ-'ſor or Maſter of any Ship or other Veſſel, go out of 'any Port of the Realm of *England*, or diſcharge his 'Ship or Veſſel againſt the Form of this Ordinance, 'that ſuch Ship or Veſſel, together with the Prize taken 'in the ſame duly made, ſhall be forfeit to the King, 'and the Body of the Poſſeſſor or Maſter of ſuch 'Ship or Veſſel committed to Priſon, there to remain 'until he hath made a Fine and Ranſom to the King.'

'III. Provided always, That no Poſſeſſors of Ships 'going out of any Port ſhall make any Fine nor Ran-'ſom, or have Impriſonment of Body, if the ſame Poſ-'ſeſſors be not in the ſame Ships at the Time of the

What Forfeitures the Admiral ſhall have.

'Offence committed againſt this Ordinance. And the 'ſaid Admiral ſhall have the Forfeitures in all Caſes 'out of the ſame Franchiſe of Five Ports aforeſaid, as 'he hath had, and hath been accuſtomed of right to the

The Authority of the Conſervators within the Five Ports.

'Office of the Admiral of *England*, before the making 'of this Ordinance. And that all ſuch Conſerva-'tors to be made within the ſaid Five Ports have the 'ſame Authority and Power by the King's Letters Pa-'tents, and Commiſſion of the Warden of the ſame 'Ports for the time being, to inquire of ſuch Offences 'to be done upon the main Sea within the Franchiſes 'of the Five Ports out of the Body of the Counties, 'and to puniſh all them which ſhall be before the ſaid

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jurrez qe ſi aſcune perſone de quele condition ou eſtat qil ſoit eux ou aſcune de eux procure excite ou abette de faire aſcun choſe a contrarie diceſte ordinance & le ſerement avauntdit qe cheſcun de eux ferra due relation a noſtre Seignur le Roy ou a la Chanceller dEngleterre pur le temps eſteant ſi haſtiment come bonement purra ſaunz concelle-ment en aſcun point ſur piene dempriſonement & faire fyn & ranceon a voluntee noſtre Seignur le Roy. Et qe le dit conſervatour eit un ſeal de Roy ordeigne pur le dit office. Et qe le maiſtre de nief barge balenger ou autre veſſell en le dit port ſoit jurre & le poſſeſſour auxi ſil ſoit preſent de-vaunt le dit conſervatour avaunt qil paſſe hors de dit port qil nattemptera reins encontre les ditz trieues & ſaufconduitz de Roy. Et qe le dit con-ſervatour face enroller de record devaunt luy ſibien les nouns de tielx poſſeſſours & maiſtres come les nouns de lour nief barge balengere ou autre veſ-ſell enſemble oveſqe le nombre des mariners en icell eſteantz. Et ſils priegnent riens des enemys de Roy ou dautres qiconqes qils tiele priſe ferrount ameſner en le dit port & ent ferrount pleine en-formation a dit conſervatour devaunt qils ent fa-cent deſcharge ou vende ſi ne ſoit qe par force de vent de tempeſt ou des enemys ou autre cauſe reſonable tiel nief barge balengere ou autre veſſell doit entrer en autre port pur ſalvation de meſme le veſſell ou autre cauſe reſonable. Et qils adonqes facent plein enformation a dit conſervatour ou a le conſervatour de le port en quell les ditz veſ-ſelx arriveront ou entreront de la dite priſe & de la quantite dicelle pregnant lettre teſtimoniale ſoutz le dit ſeal de le dit conſervatour par quele le con-ſervatour de le port dount les veſſeux ou veſſell illeront ou iſſit purra avoir notice de la quantite & value des biens iſſint priſez. Et ſi aſcun poſſeſſour on meſtere daſcun nief ou autre veſſell iſſe hors daſ-cun port du Roialme ou face deſcharger ſon nief ou veſſell encountre la fourme diceſte ordinance qe tiel nief ou veſſell enſemble oveſqe la priſe par ycell duement fait ſoit forfaite a Roy & le corps du poſ-ſeſſour au maiſtre de tiel nief ou veſſel commys a priſone a y demorer tanqe il eit fait fyn & raunceon a Roy.

Purveu qe nulles poſſeſſours des niefs iſſantz hors daſcun port ne face fyn ou ranceon neient empriſonement du corps ſi meſmes les poſſeſſours ne ſoient en meſmes les niefs en temps de meſ-priſion encontre ceſte ordenance fait. Et ait le Admirall avantdit les forfaitures en toutz caſes hors de la dite franchiſe de cynk portz avanditz come il ad eu & ad eſte accuſtume de droit al office del Admirall dEngleterre avant le feſance de ceſte ordeignance. Et qe toutz tieux conſer-vatours affairez dedeinz les ditz cynk ports eient meſme lauctorite & poair par lettres patentz du Roy & commiſſion del gardein de meſmes les ports pur le temps eſteant denquerer de tielx offenſes affaires ſur le haute meer dedeinz les fraunchiſes des ditz cynk ports dehors les corps des countees & de punir toutz ceux qi ſerront

devant

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devant ycell conſervatour de meſmes les offenſes enditez ou accuſez par autiels proces examination proves determination juggement & execution come les ditz Admiralx reſonablement ſolonc launcien cuſtume & ley ſur le meer uſez ont faitz & uſez hors de la dite franchiſe de cynk ports forſqe qe la determination de mort de homme celle partie & lexecution dicell ſoient dedeinz meſme la franchiſe de les cynk ports reſervez a dit gardein ou a ſon lieutenant general illoeqes. Et qe meſme le gardein eit toutz les forfaitures illoeqes en toutz cas come il ad eu & ad eſtee accuſtumee de droit al office du gardein des cynk ports ſuiſditz avant ceſtes heures. Et qe les dites conſervatours & cheſcun de eux eient & ait poair de faire pleine execution diceſte ordinance en la fourme avantdite. Et qe ceſte ordeignance tiegne lieu & force pur choſe affaire ou attempter encontre meſme lordinance apres la proclamation diceſte ordinance & declaration faite.

'Conſervator of the ſame Offences indicted or accuſed, by like Proceſs, Examination, Proofs, Determination, Judgement, and Execution, as the ſaid Admirals reaſonably, according to the old Cuſtom and Law upon the Sea uſed, have done and uſed out of the ſaid Franchiſe of the Five Ports; ſaving that the Determination of the Death of a Man in this Behalf, and the Execution of the ſame, ſhall be within the ſame Franchiſe of the Five Ports reſerved to the ſaid Warden, or to his general Lieutenant there; and that the ſame Warden ſhall have all the Forfeitures there, in all ſuch Caſes as he hath had, and have been accuſtomed of right to the Office of the Warden of the Five Ports aforeſaid before this Time; and that the ſaid Conſervators, and every of them, have Power to make full Execution of this Ordinance in the Form aforeſaid. And this Ordinance ſhall hold Place and Force, for any thing to be done or attempted againſt this ſame Ordinance, after the Proclamation of this Ordinance and Declaration made.'

The Warden of the Five Ports ſhall have all the Forfeitures there.

Suſpended by 14 H. 6. c. 8. *Confirmed by* 29 H. 6. c. 2. *and ſhall be granted.*

ſee 4 *H.* 5. *c.* 7. *in what Caſes Letters of Marque*

CAP. VII.

The Intent of the Hereticks called *Lollards*. Magiſtrates ſhall aſſiſt the Ordinaries in extirpating Hereſies and puniſhing Hereticks. Penalty on Hereticks convict.

3 Inſt. 40, 43. 4 Inſt. 51. c. 6. 5 R. 2. ſtat. 2. 1 El. c. 1.

c. 5. 2 H. 4. c. 15. 25 H. 8. c. 14. Rep. 1 Ed. 6. c. 12.

CAP. VIII.

Commiſſions ſhall be awarded to inquire of a Riot, and of the Juſtices Default therein.

ITEM come contenu ſoit en leſtatut fait lan treſziſme del treſnoble Roy HENRY piere a noſtre Seignur le Roy qore eſt entre autres qe ſi aſcun riote aſſemblee ou route des gentz encontre la leye ſe ferroit en aſcune partie de Roialme adonqes les juſtices du pees trois ou deux de eux au meyns & le viſcont ou ſoutz-viſcont de counte ou tiele riote aſſemble ou route ſe ferroit enapres viendrent ove le poair du dit counte ſi boſoigne ſerroit pur eux areſter & eux areſtrent & euſſent meſmes les juſtices viſcount ou ſouth-viſcount poair de recorder ceo qils troverent enſi fait en lour preſence encountre la leie & qe par le record de meſmes les juſtices viſcount ou ſouth-viſcount ſerroient tielx treſpaſſours ou malfeſours convictz en manere & fourme come eſt contenu en leſtatut de forcibles entrees. Et ſil aviendroit qe tielx treſpaſſours & malfeſours fuiſſent departiez devaunt le venne des ditz juſtices & viſcont ou ſouth-viſcont qe meſmes les juſtices trois ou deux de eux enquergerent diligealment deins un moys apres tiel riote aſſemble ou route des gentz enſi faitz & ent oierent & terminerent ſolonc la leye de la terre & ſi la verite ne purroit eſtre trove en maner come devant eſt dit adonqes deins un moys lors proſchein enſuant certifierent les ditz juſtices trois ou deux de eux & le viſcount ou ſouth-viſcount ſuiſditz devant le Roy & ſon conſeil tout le fait & les circumſtances dicell quell certificat ſoit de autiel force come la preſentement de xij. Sur quel certificat ſoient les ditz treſpaſſours & malfeſours mys a reſpons & ceux qi ſont trovez coupables ſoient puniz ſolonc la diſcretion du Roy & de

"ITEM, Whereas it is contained in the Statute made the thirteenth Year of the noble King HENRY, Father to our Lord the King that now is, amongſt other Things, That if any Riot, Aſſembly, or Rout of People againſt the Law be made in any Part of the Realm, then the Juſtices of the Peace, three or two of them at the leaſt, and the Sheriff or Under-Sheriff of the County where ſuch Riot, Aſſembly, or Rout ſhall be made hereafter, ſhould come with the Power of the ſaid County, if need were, to arreſt them, and them ſhould arreſt; and the ſame Juſtices, Sheriff, or Under-Sheriff, ſhould have Power to record that which they found ſo done in their Preſence againſt the Law; and that by Record of the ſame Juſtices, Sheriff, or Under-Sheriff, ſuch Treſpaſſers or Offenders ſhould be convict in Manner and Form as is contained in the Statute of Forcible Entries. And if it happen that ſuch Treſpaſſers or Offenders were departed before the coming of the Juſtices, Sheriff, or Under-Sheriff, that the ſame Juſtices, three or two of them, ſhould diligently inquire within a Month after ſuch Riot, Aſſembly, or Rout of People ſo made, and the ſame hear and determine according to the Law of the Land; and if the Truth could not be found in Manner as afore is ſaid, then within a Month then next enſuing, the ſaid Juſtices, three or two of them, and the Sheriff or Under-Sheriff, ſhould certify before the King and his Council all the Deed and Circumſtance of the ſame; which Certificate ſhall be of like Force as the Preſentment of twelve Men, upon which Certificate the ſaid Treſpaſſers and Offenders ſhall be put to anſwer, and they which be found guilty, ſhould be puniſhed according

A Rehearſal of the Statute of 13 H. 4. c. 7. provided againſt thoſe that commit any Riot, Rout, or unlawful Aſſembly.

"to

" to the Diſcretion of the King and his Council. " And moreover, that the Juſtices of Peace dwelling " neareſt in every County where ſuch Rout, Aſſem- " bly, and Riot of People ſhould be made hereafter, " together with the Sheriff or Under-Sheriff of the " ſame Counties, and alſo the Juſtices of Aſſiſes for " the Time that they ſhall be in their Seſſions, in " caſe that any ſuch Riot, Aſſembly, or Rout be " made in their Preſence, ſhall make Execution of " this Statute, every one of them upon pain of an " C. li. to be paid to the King, as often as they ſhall " be found in Default of Execution of the ſame " Statute. And foraſmuch as many Riots, " Routs, and Aſſemblies have been made in divers " Parts of the Realm, ſince the making and Procla- " mation of the ſame Statute, becauſe that the ſame " Statute hath not been put in due Execution, as our " Sovereign Lord the King hath perceived by divers " and grievous Complaints to him made in this pre- " ſent Parliament;" ' the ſame our Lord the King, ' willing hereof to provide a better Remedy, by ' the Advice and Aſſent aforeſaid, and at the Suit of ' the ſaid Commons, hath ordained and ſtabliſhed, ' That if Default be found in the ſaid two Juſtices of ' the Peace, or Juſtices of Aſſiſes, and the Sheriff or ' Under-Sheriff of the County, where ſuch Riot, Aſ- ' ſembly, or Rout ſhall be made, touching the Execu- ' tion that they ought to make by vertue of the ſaid ' Statute, and whereof the ſaid Statute maketh men- ' tion, that then at the Inſtance of the Party grieved, ' the King's Commiſſion ſhall go out under his Great ' Seal, to inquire as well of the Truth of the Caſe, ' and of the original Matter for the Party Complainant, ' as of the Default or Defaults of the ſaid Juſtices, ' Sheriff, or Under-Sheriff, in this Behalf ſuppoſed, ' to be directed to ſufficient and indifferent Perſons, ' at the Nomination and by the Direction of the ' Chancellor of the Realm of *England*; and that the ' ſaid Commiſſioners preſently ſhall return into the ' Chancery the Inqueſts and Matters before them in ' this Behalf taken and found; and moreover, that ' the Coroners of the ſame County for the time being, ' in which County ſuch Riot, Aſſembly, or Rout ' ſhall be made, ſhall make the Panel upon the ſaid ' Commiſſion returnable for the Time that the Sheriff ' ſo ſuppoſed in Default ſhall continue in his Office, ' which Coroners ſhall return no Perſons, but ' only ſuch which have Lands, Tenements, or Rents ' to the value of xl. by Year at leaſt; and alſo ' that the ſame Coroners ſhall return upon every of the ' ſaid Perſons empanelled at the firſt Day when Iſſues ' be to be loſt, xxs. at the leaſt, and at the ſecond ' Day xls. at the leaſt, and at the third Day C. s. at ' the leaſt, and at every Day after the Double at the ' leaſt; which Iſſues ſo returned by Cauſe of Non- ' appearance of ſuch Perſons empanelled, ſhall be ad- ' judged as forfeit to the King, and leviable to his Uſe; ' and if Default be found in the ſaid Coroners, ' touching the Return of ſuch Perſons to be empanel- ' led, or touching the Return of ſuch Iſſues, as afore is ' ſaid, that every of them ſhall forfeit to the King's ' Uſe forty Pounds; and if it happen that the ſaid ' Sheriff ſo reputed in Default, be diſcharged of his ' Office at the Time that ſuch Commiſſion ſhall be ' awarded out of the Chancery, that then the new ' Sheriff of the ſame County, his Succeſſor mediate or ' immediate for the time being, and not the Coroners

Commiſſions ſhall be awarded to inquire of the Riot, and of the Juſtices and Sheriffs Defaults. 4 Inſt. 184.

The Coroners ſhall return the Inqueſt, and of what Sufficiency the Jurors ſhall be.

What Iſſues the Coroners ſhall return upon the Jurors, and upon what Penalty.

Where the Sheriff and not the Coroners ſhall return the Jury.

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ſon dit conſeil. Et outre ceo qe les juſtices de la pees demorantz le pluis proſchein en cheſcun countee ou tiel route aſſemble ou riote de gentz ſe ferroit en apres enſemblement oveſqe le viſcont ou ſouth-viſcount de meſme les countees & auxi les juſtices daſſiſes pur le temps qils ſerront en lour ſeſſions en cas qe aſcun tiel riote aſſemble ou route ſe ferroit en lour preſence ferroient execution de ceſt eſtatut cheſcun ſur peine de C. li. appaierez au Roy atantz de foitz qils ſerroient trovez en de- faute del execution de meſme leſtatut. Et pur tant qe pleuſeurs riotes routes & aſſemblees ont eſte faitz en diverſes parties du Roialme puis la confection & proclamation du dit eſtatut a cauſe qe meſme leſtatut nad mye eſte mys en due execu- tion come noſtre treſſoverain Seignur le Roy lad concieu par diverſes & hidouſes compleintz a luy faitz en ceſte preſent parlement Meſme noſtre Seignur le Roy voillant ſur ceo faire pluis greindre remedie del advys & aſſent avantditz & al priere des ditz Communes ad ordeigne & eſtablie qe ſi defaute ſoit trovee en les ditz deux juſtices de la pees ou juſtices daſſiſes & le viſcount ou ſoutz- viſcount del countee ou tiel riote aſſemble ou route ſe ferra touchant lexecution qils doient faire par vertue del dit eſtatut & dont meſme leſtatut fait mention qadonqes al inſtance de la partie grevee iſſera commiſſion le Roy deſouz ſon graunt ſeal denquerer ſibien de la veritee del cas & de la ma- tier originale pur la partie compleignante come de le defaute ou defautes des ditz juſtices viſcount ou ſoutz-viſcount celle partie ſuppoſez a adreſſer as ſufficeantz perſones indifferentz a la nomination & advis du Chaunceller dEngleterre & qe les ditz commiſſioners meintenant envoient en la Chaun- cellerie les enqueſtes & matiers devant eux celle partie priſez & trovez. Et outre ceo qe les co- roners de meſme le countee pur le temps eſteantz ou tiel riote aſſemble ou route ſe ferra ferront les panelles ſur la dite commiſſion retournables pur le temps qe le viſcount iſſint en defaute ſuppoſee eſtoiſe en ſon office les quelles coroners retourne- ront nulles perſones mes tielx qe ont terres tene- mentz ou rent a le value de x. li. par an a meyns. Et auxi qe meſmes le coroners retourneront ſur cheſcun des dites perſones a empanellerz a le primer jour qant iſſuez ſont a perdrez xx. s. au meyns & a ſeconde jour xl. s. a meyns & a tierce jour C. s. a meyns & a cheſcun jour apres le dou- ble au meyns les queux iſſues iſſint retournez par cauſe de non apparance de tielx empanellez ſerront ajuggez come forfaitz au Roy & a ſon oeps leva- bles. Et ſi defaute ſoit trove en les ditz coroners touchant le retourne de tielx gentz a empanellerz ou touchant le retourne dautielx iſſues come avant eſt dit qe cheſcun de eux perdra al oeps le Roy xl. li. Et ſil aveigne qe le dit viſcount enſi rette en defaute ſoit deſcharge de ſon office a temps qe tiel commiſſion iſſera hors de la Chauncellerie qadon- qes le novell viſcount de meſme le counte ſon ſuc- ceſſour immediat ou mediat pur le temps eſteant & nient les coroners de meiſme le countee ferra

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le panell ſur celle commiſſion retournable en les maner & fourme come les ditz coroners ferront en temps qant le viſcount iſſint rette en defaute eſteit en ſon office. Et qe meſme le novell viſcount encourgera autiele peine de xl. li. envers le Roi ſi aſcun defaute en luy ſoit trovee touchant le retourn dautres perſones par luy a empanellerz qi nont terres tenementz ou rent a le value de x. l. par an ou de retourne dautielx iſſues come les ditz coroners ſont ſuiſchargiez de retournir ſicome les ditz coroners ſont a perdre envers le Roy ceſt partie. Et qe le Chaunceller dEngleterre pur le temps eſteant ſi toſt come il purra avoir conuſance dautiel route aſſemble ou riote il face envoier brief le Roy as juſtices de la pees & a viſcont ou ſoutz-viſcont del countee ou ils ſont iſſint faitz qils mettent leſtatut ent fait en execution ſur la peine contenue en ycelle. Et coment qe tiel brief ne veigne mye as ditz juſtices & viſcont ou ſoutz-viſcont eux ne ſerront pas excuſez de la peine avantdite ſils ne facent mye execution del eſtatut ſuiſdit.

Purveu qe les juſtices & autres officers ſuiſditz ferront lour offices ſuiſditz as coſtages du Roy en alant demorant & retournant en feſantz lour dites offices per paiement ent affaire par le viſcount de meſme le countee pur le temps eſteant par endentures entre le dit viſcont & les ditz juſtices & autres officers ſuiſditz afaires de le paiement ſuiſdit dont le dit viſcont ſur ſon accompte en leſcheqer purra avoir due allouance. Et qe tielx riotours atteintz de grauntz & haynoſes riotes eient empriſonement dun an entier a meyns ſanz eſtre leſſe hors du priſone par baille mainprys ou en autre maner durant lan ſuiſdit. Et qe les riotours atteintz des petitz riotes eient empriſonement come ſemble melx a Roy ou a ſon conſeill. Et qe les ſyns dicelles riotours atteintz ſoient par les ditz juſtices encreſſez & mys a greindres ſommes qils ne ſoloient eſtre mys en tielx caſes devant ces heures en aide & ſupportation de les coſtages des juſtices & autres officers ſuiſditz celle partie. Et qe les lieges du Roy eſteantz ſufficeantz pur travailler en le countee ou tielx routes aſſembles ou riotes ſont ſoient aſſiſtentz as juſtices commiſſioners viſcont & ſoutz-viſcont de meſme le countee qant ils ſerront reſonablement garniz pur chivacher ove les ditz juſtices commiſſioners & viſcont ou ſoutz-viſcont en aide de reſiſtence de tielx riotes routes & aſſemblez ſur peine dempriſonement & faire fyn & ranceon a Roy. Et qe les baillifs des franchiſes facent empaneller ſufficeantz gentz come deſuis ſur peine de perdre au Roy xl. li. en cas qe tielx perſones ſufficeantz purront eſtre trovez deinz meſmes les franchiſes. Et qe ſemblables ordeignances & peines teignent lieu & force en citees burghs & autres villes & lieux enfranchiſes queux ount juſtices de la pees deins les citees burghs villes & autres lieux ſuiſditz & qe ceſt eſtatut commencera a tenir lieu meintenaunt apres la proclamation en fait.

'of the ſame County, ſhall make the Panel upon this Commiſſion returnable in Manner and Form, as the ſaid Coroners ſhould do in the Time when the Sheriff ſo reputed in Default continued in his Office; and that the ſame new Sheriff ſhall incur like Pain of forty Pounds to the King, if any Default in him be found touching the Return of other Perſons by him empanelled, which have not Lands, Tenements, or Rents to the Value of ten Pounds by Year, or of returning ſuch Iſſues which the ſaid Coroners be above charged to return, as the ſaid Coroners are to loſe to the King in this Behalf. And that the Chancellor of *England* for the time being, as ſoon as he may have Knowledge of ſuch Riot, Aſſembly, or Rout, ſhall cauſe to be ſent the King's Writ to the Juſtices of the Peace, and to the Sheriff or Under-Sheriff of the County where they be ſo made, that they ſhall put the Statute in Execution upon the Pain contained in the ſame; and though that ſuch Writ come not to the ſaid Juſtices, Sheriff, or Under-Sheriff, they ſhall not be excuſed of the Pain aforeſaid if they make not Execution of the ſaid Statute.

A Writ directed out of the Chancery to inquire of Riots.

'II. Provided always, That the ſaid Juſtices, and other Officers aforeſaid, ſhall execute their Offices aforeſaid at the King's Coſts, in going and continuing and returning in doing their ſaid Offices, by Payment thereof to be made by the Sheriff of the ſame County for the time being, by Indentures betwixt the Sheriff and the ſaid Juſtices, and other Officers aforeſaid, to be made of the Payment aforeſaid, whereof the ſaid Sheriff upon his Account in the *Exchequer* may have due Allowance; and that ſuch Rioters attainted of great and heinous Riots, ſhall have one whole Year's Impriſonment at the leaſt, without being let out of Priſon by Bail, Mainpriſe, or in any other Manner, during the Year aforeſaid; and that the Rioters attainted of petty Riots ſhall have Impriſonment as beſt ſhall ſeem to the King or to his Council; and that the Fines of ſuch Rioters attainted, ſhall be by the ſaid Juſtices increaſed and put to greater Sums than they were wont to be put in ſuch Caſes before this Time, in Aid and Supportation of the Juſtices and other Officers aforeſaid in this Behalf; and that the King's liege People being ſufficient to travel in the County where ſuch Routs, Aſſemblies, or Riots be, ſhall be aſſiſtant to the Juſtices, Commiſſioners, Sheriff, or Under-Sheriff of the ſame County, when they ſhall be reaſonably warned, to ride with the ſaid Juſtices, Commiſſioners, and Sheriff, or Under-Sheriff, in Aid to reſiſt ſuch Riots, Routs, and Aſſemblies, upon pain of Impriſonment, and to make Fine and Ranſom to the King; and that the Bailiffs of Franchiſes ſhall cauſe to be impanelled ſufficient Perſons as before, upon pain to loſe to the King forty Pounds, in caſe that ſuch ſufficient Perſons may be found within the ſame Franchiſes; and that like Ordinances and Pains ſhall hold Place, and take effect in Cities, Boroughs, and other Places and Towns infranchiſed, which have Juſtices of the Peace within the Cities, Boroughs, and other Places aforeſaid; and that this Statute ſhall begin to hold Place preſently after the Proclamation thereof made.'

A Riot ſhall be repreſſed and inquired of at the King's Charges.

Each able Perſon ſhall be aſſiſtant to the Juſtices and Sheriff to repreſs Riots.

Bailiffs of Franchiſes.

Riots committed in Cities, Boroughs, and Towns Corporate.

See further 11 H. 7. c. 7.

The Puniſhment of Rioters.

19 H. 7. c. 13. *are made Felony.*

21 H. 8. c. 20. 3 & 4 Ed. 6. c. 5. 1 M. ſeſſ. 2. c. 12. 1 El. c. 16. *and* 1 Geo. 1. *ſtat.* 2. c. 5. *by which laſt Act certain Kinds of Riots without Benefit of the Clergy.*

CAP.

CAP. IX.

A Remedy to puniſh him that doth commit Felony, and flee into an unknown Place.

Ex Rot. in Turr. Lond.

"ITEM, Foraſmuch as great and grievous Com-
"plaints have been made to our Sovereign Lord
"the King, by the Commons in this preſent Parlia-
"ment, of divers Murders, Manſlaughters, Robberies,
"Batteries, Aſſemblies of People in great Number in
"Manner of Inſurrection, and of divers other Rebel-
"lions and Riots, and after ſuch Offences the ſaid
"Felons and Offenders flee, and withdraw them-
"ſelves into divers Woods and ſecret Places and un-
"known, and elſewhere, to the Intent and Purpoſe
"to avoid the Execution of the Common Law, and
"that they might not be brought to anſwer, accord-
"ing to Proceſs of Law;" 'whereupon our Sove-
'reign Lord the King, conſidering the aforeſaid
'Complaint, by the Advice and Aſſent of the Lords
'Spiritual and Temporal in the ſame Parliament aſ-
'ſembled, hath ordained and ſtabliſhed at the Requeſt
'of the ſaid Commons, That if any Perſon hereafter
'come into the Chancery, and make Complaint
'duly, that any ſuch Felon or Offender, as afore is
'ſaid, flee or withdraw himſelf into any ſuch Place,
'or elſewhere, to the Intent aforeſaid, upon ſuch a
'Complaint a Bill ſhall be ſufficiently made for the
'King; and the Chancellor of *England* for the Time
'being, after ſuch a Bill to him delivered, if he may
'be duly informed that ſuch a Bill containeth Truth,
'ſhall have Power to make according to his Diſcre-
'tion a Writ of *Capias* at the King's Suit, directed to
'the Sheriff of the County or Counties where the
'ſaid Murders, Manſlaughters, Robberies, Batteries,
'and other Offences be ſuppoſed by the ſaid Bill to
'be done and perpetrate, returnable in the ſaid Chan-
'cery at a certain Day. And if the Perſons in the
'ſaid Writ contained be taken by the ſaid Sheriff, or
'yield themſelves in the ſame Chancery, that then
'ſuch Perſons ſhall be put in Ward or to Mainpriſe,
'according to the Diſcretion of the Chancellor. And
'moreover be it commanded to inquire of ſuch Of-
'fences, and upon that ſhall be done as the Law re-
'quireth. And if the Sheriff return at the Day of the
'*Capias* returnable, that the Perſons in the ſame com-
'priſed for any of theſe Cauſes aforeſaid, cannot be
'by him taken, neither the ſame Perſons do yield
'themſelves in the ſaid Chancery, that then the ſaid
'Chancellor ſhall cauſe to be made a Writ of Procla-
'mation directed to the ſaid Sheriff, returnable in the
'King's Bench at a certain Day, that he ſhall make
'Proclamation in two Counties that the Perſons
'named in the ſaid Writ ſhall come at the ſaid Day
'in the Bench aforeſaid, there to anſwer to the Mat-
'ter compriſed within the ſaid Bill, upon Pain to be
'convict of the Matter compriſed in the ſaid Bill;
'and that in every ſuch Writ of Proclamation ſhall
'be contained the Subſtance of the Matter compriſed
'within the ſaid Bill: And if they come not at the
'Day of ſuch Proclamation returned, then ſhall they
'be holden and adjudged for convict and attainted
'as aforeſaid; and if they come at the Proclamation,
'it ſhall be of them inquired and done in Manner as
'above is ſaid.

The Party accuſed is taken by the Sheriff, or yieldeth himſelf.

The Sheriff returneth, that the Party cannot be taken.

The Suggeſtions of ſuch Riots

'II. Provided always, That the Suggeſtions of
'ſuch Riots be teſtified to the Chancellor of *England*

ITEM pur ceo qe graunde & grevouſe com-
pleint ad eſte fait a Roy noſtre ſoverain Seig-
nur par les communes en ceſt preſent parlement
de diverſes murdres homicides robberies bateries
aſſemblees de gentz en graund noumbre par ma-
nere dinſurrection & de diverſes autres rebel-
lions & riotes & apres tieux maffaitz les ditz
felons & meffeſoures ſenfuent & retrehent as
diverſes boys & lieux convertez & diſeonuz & ail-
lours a lentente & purpos de voider lexecution
de la commune ley & qils ne ſerroient aſmeſnez
a reſpounſe ſelonc proces de la ley Sur quoy noſtre
dit ſoveraign Seignur le Roy conſiderant la ſuiſdite
compleint par aſſent des Seignurs eſpirituelx &
temporelx en meſme le parlement aſſemblez ad
ordeine & eſtabliz a la requeſte des ditz Communes
qe ſi aſcuny en temps avenir viegne en la Chaun-
cellarie & face compleint duement qe aſcun tiel
felon ou maffeſour come avaunt eſt dit ſen eſt
fuy ou retrehet a aſcun tiel lieu ou aillours a
lentente ſuiſdit ſoit ſur tiel compleint une bille
ſufficiantment fait pur le Roy & ait le Chanceller
dEngleterre pur le temps eſteant apres tiele bille
a luy liveree ſil poet eſtre enformez duement tiele
bille contenir veritee poair de faire ſelone ſa diſ-
cretion un brief de Capias a la ſuite de Roy di-
rect a viſcount de countee ou countees ou les
ditz murdres homicides robberies batteries & au-
tres meffaitz ſont ſuppoſez par la dite bille eſtre
faitz & perpetrez retournables en la dite Chaun-
cellarie a certain jour. Et ſi les perſones en le
dit brief contenuz ſoient priſez par le dit viſcount
ou ſoy rendent en meſme la Chauncellarie qa-
donqes ſoient tielx perſones mys en garde ou a
mainpriſe ſelonc la diſcretion du Chaunceller. Et
outre ſoit maunde denquerer de tielx malfaitz &
ſur ceo ſoit fait come la leie demande. Et ſi
le viſcount retourne a jour de Capias retourn-
able qe les perſones en ycelles compriſez par aſ-
cun de les cauſes ſuiſditz ne purront eſtre par
luy priſez ne meſmes les perſones ne ſoi rendent
en la dite Chauncellerie qadonqes face le dit
chaunceller faire brief de proclamation direct au
dit viſcount retournable en Banc du Roy a certein
jour qil face proclamation en deux countees qe
les perſones en le dit brief nomez veignent a dit
jour en le ſuiſdit banc pur y reſpondre a la matier
compris en la dite bille ſur peine deſtre convictz
de la matier compris deins la dite bille & en
cheſcun tiel brief de proclamation ſoit contenu
la ſubſtance de la matier compris deinz la dite bille
& ſils ne veignent a jour de tiele proclamation
retournee ſoient adonqes tenuz & adjuggez pur
convictz & atteintz come deſuis eſt dit & ſils
veignent a la proclamation ſoit de eux enquis &
fait en manere come deſuis eſt dit.

Purveu qe les ſuggeſtions de tielx riotes ſoient teſmoignez a le Chaunceller dEngleterre par let-

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tres enſealez deſoutz les ſeals de deux juſtices du pees a meins & le viſcount del countee ou tielx riotes ſerront devant ce qe tiel brief de Capias ſoit graunte en quel brief de Capias ſoit ſibien la matiere expreſſe quel eſt compris deins meſme la bille come en le brief de proclamation ent affaire. Et ſi tiel cas aveigne en le countee palatyn de Lancaſtre ou aillours en franchiſe la ou il y ad Chaunceller & ſeal qadonqes le dit Chaunceller dEngleterre face eſcriver ou envoier par brief du Roy a le Chaunceller de tiel countee ou franchiſe toute la ſuggeſtion en la dite bille compris commandant a luy de faire tiel execution come en le dit article eſt compris iſſint toutz foitz qe brief du Roy hors de la Chauncellarie dEngleterre ne courge en tiel Countee ou franchiſe autrement qe nad eſte uſee en temps paſſe & qe ceſte ordinance eſtoiſe en ſa force tanqe al fyn du proſchein parlement.

‘ by Letters ſealed under the Seals of two Juſtices of the Peace at the leaſt, and the Sheriff of the County where ſuch Riots ſhall be made, before that the Writ of *Capias* be granted; in which Writ of *Capias*, the Matter which is compriſed within the ſame Bill ſhall be as well expreſſed, as in the Writ of Proclamation thereof to be made. And if ſuch Caſe happen in the County Palatine of *Lancaſter*, or elſe in any Franchiſe where there is a Chancellor and a Seal, that then the Chancellor of *England* ſhall cauſe to be written or ſent by the King's Writ to the Chancellor of ſuch County or Franchiſe, all the Suggeſtion in the ſaid Bill compriſed, commanding him to make ſuch Execution as in the ſaid Article is compriſed; ſo always that the King's Writ ſhall not run out of the Chancery of *England* in ſuch a County or Franchiſe, otherwiſe than hath been uſed in Time paſt; and that this Ordinance ſhall ſtand in his full Force until the End of the next Parliament.’

Shall be teſtified under the Seals of two Juſtices of Peace and the Sheriff.

Riots committed in a County where there is a Chancellor and a Seal.

Made perpetual by 8 H. 6. c. 14.

See the References to foregoing Chapter.

Other Statutes made at Weſtminſter, Anno 2 HEN. V. *Stat.* 2. *and* Anno Dom. 1414.

Ex Rot. in Turr. Lond. *m.* 5.

NOSTRE Seignur le Roy a ſon parlement tenuz a Weſtm' le Lundy apres les octaves de ſeint Martyn lan de ſon regne ſeconde del advis & aſſent des Seignurs eſperituelx & temporelx & a les eſpecialx requeſte & inſtance des Communes de ſon Roialme adonqes illoeqes aſſemblez ad ordeine fait & eſtablie diverſes ordinances & eſtatutz en la fourme qenſuit.

“ OUR Lord the King, at his Parliament holden at *Weſtminſter*, the *Monday* next after the *Utas* of St. *Martin*, the ſecond Year of his Reign, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Inſtance and Requeſt of the Commons of his Realm then there aſſembled, hath ordained and eſtabliſhed divers Ordinances and Statutes in the Manner and Form as followeth.”

CAP. I.

What Sorts of Men ſhall be Juſtices of the Peace.

PRimerement qe les juſtices de la pees deſore enavaunt affaires deinz les countees dEngleterre ſoient faitz de les pluis ſufficeantz perſones demurantz en meſmes les countees par advis du Chanceller & conſeyll le Roy ſanz prendre autres perſones demurantz en foreins countees a tiel office occupier forſpris les Seignurs & les juſtices daſſiſes ore nomez & anomerz par le Roy & ſon conſeil & forſpris auxi les chiefs ſeneſchalx du Roy des terres & Seignuries del Duchee de Lancaſtre en le north & le ſouth pur le temps eſteantz.

‘ FIRST, That the Juſtices of the Peace from henceforth to be made within the Counties of *England*, ſhall be made of the moſt ſufficient Perſons dwelling in the ſame Counties, by the Advice of the Chancellor and of the King's Council, without taking other Perſons dwelling in foreign Counties to execute ſuch Office, except the Lords and the Juſtices of Aſſiſes now named, and to be named by the King and his Council; and except all the King's chief Stewards of the Lands and Seigniories of the Dutchy of *Lancaſter*, in the North Parts, and in the South, for the time being.’

4 Inſt. 51. 1 Ed. 3. ſtat. 2. c. 16. 4 *Ed.* 3. *c.* 2. 18 *Ed.* 3. *ſtat.* 2. *c.* 2. 34 Ed. 3. c. 1. 12 *R.* 2. *c.* 10. 13 *R.* 2. *ſtat.* 1. *c.* 7.

See farther Index, tit. Juſtices of Peace.

CAP. II.

The Yearly Wages of Chaplains and Pariſh Prieſts ſettled.

36 Ed. 3. *ſtat.* 1. c. 8. Rep. 21 Jac. 1. c. 28.

CAP. III.

Of what Eſtate thoſe Jurors muſt be, which are to paſs touching the Life of Man, Plea real, or Forty Marks Damages.

2 Roll 395. Explained by 8 H. 6. c. 29.

'ITEM, The King conſidering the great Miſchiefs and Diſheriſons which daily happen through all the Realm of *England*, as well in Caſe of Death of a Man, as in Caſe of Freehold, and in other Caſes, by them which paſs in Inqueſts in the ſaid Caſes, which be common Jurors, and other that have but little to live upon but by ſuch Inqueſt, and which have nothing to loſe because of their falſe Oaths, whereby they offend their Conſciences the more largely; and willing thereof to have Correction and Amendment, hath ordained and eſtabliſhed, by Aſſent of the Lords and Commons aforeſaid, That no Perſon ſhall be admitted to paſs in any Inqueſt upon Trial of the Death of a Man, nor in any Inqueſt betwixt Party and Party in Plea real, nor in Plea perſonal, whereof the Debt or the Damage declared amount to forty Marks, if the ſame Perſon have not Lands or Tenements of the yearly Value of forty Shillings above all Charges of the ſame; ſo that it be challenged by the Party, that any ſuch Perſon ſo impanelled in the ſame Caſes hath not Lands or Tenements of the yearly Value of forty Shillings above the Charges, as afore is ſaid.'

13 *Ed.* 1. *ſtat.* 1. *c.* 38.
21 *Ed.* 1. *ſtat.* 1.
28 *Ed.* 1. *ſtat.* 3. *c.* 9.
28 Ed. 3. c. 13.
34 *Ed.* 3. *c.* 4.
42 *Ed.* 3. *c.* 11.
1 *R.* 3. *c.* 4.
9 H. 5. f. 5.
10 H. 6. f. 7, 8, 18.
2 H. 7. f. 13.
10 H. 7. f. 14.

See farther for the Qualifications of Jurors, Index, tit. Juries.

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ITEM le Roy conſiderant les grandes meſchiefs & deſheritances qe de jour en autre aveignent parmy tout le Roialme ſibien en cas de mort de homme come en cas de franc tenement & es autres caſes par ceux qi paſſent es enqueſtes en les ditz caſes qi ſont communes jurours & autres qi nont qe poie de vivre mes par tieux enqueſtes & les queux nont riens a perdre par cauſe de lour faux ſerementz paront ils le pluis legierment offendent lour conſcience & voillant ent avoir correction & amendement ad ordeigne & eſtablie par aſſent des Seignurs & Communes ſuiſditz qe null perſone ſoit admys de paſſer en aſcune enqueſte ſur trial de mort de homme ou en aſcune enqueſte parentre partie & partie en plee real nen plee perſonell dont le dette ou les damages declarez amontent en quarant marcz ſi meſme la perſone neit terres ou tenementz de annuell value de quarant ſouldz outre les repriſes diſcelles Iſſint qil ſoit chalangee par la partie qe aſcun empanelle en meſmes les caſes nad my terres ou tenementz a le value annuell de quarant ſouldz outre les charges come avaunt eſt dit.

CAP. IV.

There ſhall be no gilding of Silver Ware, but of the Allay of *Engliſh* Sterling.

"ITEM, For that the Goldſmiths of *England*, of their Covin and Ordinances, will not ſell the Wares of their Myſtery gilt, but at the double Price of the Weight of the Silver of the ſame, which ſeemeth to the King very outrageous and too exceſſive a Price;" 'the King for the Eaſe of his People, willing to remedy the ſame, hath ordained and eſtabliſhed, That all the Goldſmiths of *England* ſhall gild no Silver worſe than of the Allay of the *Engliſh* Sterling, and that they take for a Pound of *Troy* gilt but Forty-ſix Shillings eight Pence at the moſt, and of greater Weight, and leſs, according to the Quantity and Rate of the ſame Sum; and that which ſhall be by them gilt from henceforth ſhall be of reaſonable Price, and not exceſſive; and if any Goldſmith do contrary to this Statute, he ſhall forfeit to the King the Value of the Thing ſo ſold.'

Rep. in part 21 Jac. 1. c. 28.

The Pound *Troy* of Silver gilt ſhall be ſold for 46 *s.* 8 *d.*

5 H. 4. c. 13.

ITEM pur ceo qe les orfeours dEngleterre de lour commune covyn & ordinance ne voillent my vendre les choſes de lour miſtier endorrez ſinon a double pris de le pois dargent dicelles le quell ſemble a Roy trop outrageous & trop exceſſive pris le Roy pur laiſe de ſon poeple voillant ceo remedier ad ordeine & eſtablie qe toutz les orfeours dEngleterre ſuiſorrent null argent pier qe del allaie deſterling Englois & qils priegnent pur la libre de Troy orre xlvj s. viij d. a pluis & de greindre pois & de meindre ſelonc la quantite & lafferante de meſme la ſomme & qe ceo qe ſerra par eux ſuiſorre deſore enavaunt ſoit de reſonable pois & non pas exceſſive & ſi nul orfeour face le contraire forferra a Roy la value de la choſe vendue.

CAP. V.

If a *Welſhman*, on Proceſs awarded againſt him for detaining an *Engliſhman*, refuſe to appear, he ſhall be outlawed, and Writs ſhall be iſſued to apprehend him.

Altered 27 H. 8. c. 26.

ITEM pur tant qe puis la rebellion de Gales jatard refourme pluſeurs des rebeux de Gales ove autres a eux adherentz ove force & armes en maner de guerre aſcun foitz par jour & aſcun foitz par noet ont venuz en les countees de Salop' Hereford' & Glouc' & en autres lieux a meſme la paiis adgiſantz & en auverſes bois & autres lieux en icelles parties muſciez & loggez ont traiterouſment & felonouſment pris pleuſeurs de les foialx lieges du Roy aſcuns chivachantz entour lour merchandiſes & lour autres boſoignes feſantz & aſcuns en lour maiſons ou ils furent demurantz feſantz lour overaignes & lour huſbandrie en la pees Dieu & le Roy & meſmes ceux lieges du Roy enſi priſez ont ameſnez hors de lour paiis as diverſes parties de

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de Gales & les ont gardez & detenuz oveſqe eux en les mountaignes dicelles parties de Gales par un demy an aſcun foitz pluis & aſcun foitz meins tanqe ils ont raunceonez aſcun des ditz lieges a C li. & aſcun pluis ſelone lour afferante en ſemblable manere come eſt uſee en terre de guerre a treſgraund damage & meſchief de le poeple des ditz countees & paiis & a malveis enſample ſil ne ſoit le pluis toſt remedie ſicome le Roy a la grevouſe compleint de ſa communalte ad conceu. Noſtre Seignur le Roy voillant encountre tieux meſfaiſours mettre due puniſſement ad ordeigne & eſtablie qe les juſtices du pees deinz les countees dEngleterre aſſignez pur le temps aient poair denquerer oier & terminer toutz maners tielx treſons & felonies ſibien a ſuite de Roy come a ſuite de partie Iſſint qen cas qe tiolx malfeſours ne vorront apparoir devaunt les ditz juſtices a reſpoundre come la ley demaunde celle partie tanqe ils ſoient ſelonc la cuſtume du Roialme dEngleterre utlagez adonqes meſmes les juſtices certifient par lours lettres deſoubz lours ſealx les officers de les Seignuries es quelx tielx utlagez ſoient retretz demorantz ou reſeantz de la utlagerie ſur eux iſſint pronuncie & qe meſmes les officers ſur meſme la certification priegnent les corps de meſmes les utlagez & facent execution ſur eux en meſme le Seignurie come la ley le demaunde ſaunz fyn ou redemption celle partie affaire.

CAP. VI.

Merchandiſes of the Staple ſhall not be exported beyond Sea without the King's Licence, until they be firſt brought to the Staple.

OB.
2 R. 2. ſtat. 1. c. 3.
2 H. 6. c. 4.
14 Ed. 4. c. 3.

A Statute made at Weſtminſter, Anno 3 HEN. V. *and* Anno Dom. 1415.

Ex Rot. in Turr. Lond. *m.* 4.

FAIT aſſavoir qe a le parlement tenuz a Weſtm' le Lundy proſchein apres le feſt de toutz Saintz lan du regne le Roy HENRY quint apres le conqueſt tierce fuit fait un eſtatut par le Roy del aſſent de toutz les Seignurs eſpirituelx & temporelx a leſpeciale requeſte des Communes dEngleterre aſſemblez illoeqes pur le commune bien & profit de tout le Roialme.

" AT the Parliament holden at *Weſtminſter* the *Monday* next after the Feaſt of *All Saints*, the third Year of the Reign of King HENRY the Fifth, a Statute was made by the King our Lord, with the Aſſent of all the Lords Spiritual and Temporal, and at the Requeſt of the Commons of *England* there aſſembled, for the common Profit and Weal of the Realm."

CAP. I.

It ſhall be Felony to import or offer in Payment any Sort of Money forbidden by former Statutes.

OB.
2 H. 6. c. 9.

A Statute made at Weſtminſter, Anno 3 HEN. V. *Stat.* 2. Anno Dom. 1415.

Ex Rot. in Turr. Lond. *m.* 4.

NOSTRE Seignur le Roi a ſon parlement tenuz a Weſtm' le Lundy le ſeſziſme jour de Marcz lan de ſon regne tierce del advis & aſſent des Seignurs eſpirituelx & temporelx & a la requeſte des Communes aſſemblez en meſme le parlement ad ordeignez & eſtabliz diverſes ordinances & eſtatutz en la fourme qenſuit.

" OUR Lord the King, at his Parliament holden at *Weſtminſter* the *Monday* the Sixteenth Day of *March*, the Third Year of his Reign, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the Requeſt of the Commons, aſſembled in the ſame Parliament, hath ordained and eſtabliſhed divers Statutes and Ordinances in the Form following."

CAP. I.

A Confirmation of the Liberties of the Church, and of all Perſons, Cities, *&c.*

PRimerement qe ſeint eſgliſe eit toutz ſez libertees & fraunchiſes & qe toutz les Seignurs eſpirituelx & temporelx & les autres lieges du Roy eiantz libertees & franchiſes & toutz les citees &

' FIRST, That holy Church have all her Liberties and Franchiſes, and that the Lords Spiritual and Temporal, and other the King's liege People, having Liberties and Franchiſes, and all the Ci-

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'ties and Boroughs of the Realm, have and enjoy all 'their Liberties and Franchiſes, which they have had 'of the Grants of the King's Progenitors, and of the 'Confirmation of the ſame our Lord the King, or his 'Grant; except always thoſe Franchiſes and Li-'berties which be repealed in this preſent Parliament, 'and thoſe that be repealable by the Common Law.'

burghs du Roialme eient & enjoient toutz lour li-bertees & franchiſes & queux ils ount des grantes de les progenitours noſtre Seignur le Roy & de la con-fermement meſme noſtre Seignur le Roy ou ſon grante demeſne forspris ceux franchiſes & libertees queux ſont repellez en ceſt preſent parlement & ceux qe ſont repellablez par la commune leie.

CAP. II.

EXP. 5 H. 5. c. 9. 9 H. 6. c. 10.

Privilege given to certain Abbots, *&c.* to make their Attornies in the Courts of *Stancliffe* and *Frendles*.

Obſ. by 31 *H.* 8. *c.* 13. *for the Diſſolution of Abbeys, &c.*

CAP. III.

EXP.

All *Bretons* not made Denizens ſhall depart the Realm upon Pain of Death.

CAP. IV.

All Proviſions, Licences, and Pardons of a Benefice full of an Incumbent ſhall be void.

7 H. 4. c. 8. 2 Roll. 453.

"ITEM, Whereas in the Time of King HENRY "the Fourth, Father to our Sovereign Lord, whom "GOD forgive, the Seventh Year of his Reign, to "eſchew many Diſcords and Debates, and divers other "Miſchiefs which were likely to riſe and happen, be-"cauſe of many Proviſions then made, or to be made, "by the Pope, and alſo of Licences thereupon granted "by the ſaid late King, amongſt other Things it was "ordained and eſtabliſhed, That no Licence or Pardon "ſo granted before the ſame Ordinance, nor after to be "granted, ſhould be available to any Benefice full of an "Incumbent at the Day of the Date of ſuch Licence "or Pardon granted: Notwithſtanding ſeveral Per-"ſons having Proviſions of the Pope of divers Bene-"fices in *England*, and elſewhere, and Licences Royal "to execute the ſaid Proviſions, have, by Colour of the "ſame Proviſions, Licences, and Acceptations of the "ſaid Benefices, ſubtilly excluded divers Perſons of "their Benefices, in which they have been Incumbents "by a long Seaſon, of the Collations of the Patrons "ſpiritual, to them duly made to their Intent, to the "utter Deſtruction and Subverſion of the Eſtates of "the ſaid Incumbents:" 'The King willing to re-'move ſuch Miſchief, hath ordained and eſtabliſhed, 'That all the Incumbents of every Benefice of holy 'Church, of the Patronage, Collation, or Preſentation 'of ſpiritual Patrons, may peaceably and quietly en-'joy, and ſhall enjoy their ſaid Benefices, without be-'ing inquieted, moleſted, or any wiſe grieved by any 'Colour of ſuch Proviſions, Licences, and Acceptа-'tions whatſoever; and that all the Licences and 'Pardons upon and by ſuch Proviſions made in any 'Manner, ſhall be void and of no Value. And if any 'feel himſelf grieved, moleſted, or inquieted in any 'wiſe from henceforth by any by Colour of ſuch Provi-'ſions, Licences, Pardons, or Acceptations, that the 'ſame Moleſters, Grievers, and Inquieters, and every 'of them, ſhall ſuffer and incur the Pain and Puniſh-25 Ed. 3. ſtat. 6. 'ments contained in the Statutes of Proviſors before 16 R. 2. c. 5. 'this Time made, and that by Proceſs of *Præmunire* '*facias* formed upon the Caſe; and that the Party 'which ſhall ſue by the ſame Writ, ſhall recover his 'treble Damages, if the Defendants named in the ſame 'Writ, or any of them, be convict in that Behalf.'

ITEM combien en temps le Roi HENRY quart pier a Roi noſtre treſſoverain Seignur qi Dieu aſ-ſoille lan de ſon regne ſeptiſme pur eſchuer pluſeurs diſcordes & debates & diverſes autres meſchieves ver-raiſemblables a ſourder & avenir a cauſe des pluſours proviſions adonqes faitz & affairz par lappoſtoill & auxi des licences ſur ceo grauntez par le dit nadgairs Roi entre autres choſez ordeignez eſtoit & eſtabliz qe null tiele licence ou pardon enſy grantee parde-vaunt meſme lordinaunce ne a grantier en apres ſer-roit vaillable a aſcune benefice plein daſcun incum-bent a jour del date de tiele licence ou pardon grante. Nientlemeins diverſes perſones eiantz pro-viſions de lappoſtoill de diverſes benefices en Engle-terre & aillours & licences roialx pur executer les ditz proviſions ont par colour dicelles proviſions & licences & acceptations des ditz benefices ſubtiel-ment ouſtez diverſes perſones de lour benefices es queux ils ont eſtez incumbentz par long temps dell collation des verraies patrons eſpirituelx a eux faitz duement a lour entent a finall deſtruction & enerva-tion deſtates dicelx incumbentz le Roy voillant ouſ-tier tiele meſchief Si ad ordeigne & eſtablie qe toutz les incumbentz de qeconqes benefices de ſeinte eſ-gliſe del patronage collation ou preſentation des pa-trons eſpirituelx puiſſent peiſiblement & quietement enjoier & enjoient lour ditz benefices ſanz eſtre in-quietez moleſtez ou grevez aſcunement par aſcuny par colour de tieux proviſions ou licences & accep-tations queconqes. Et qe toutz les licences & par-dons ſur & pur tieux proviſions faitz en aſcun ma-nere ſoient voidez & de null value. Et ſi aſcuny ſe ſente grevee moloſte ou inquiete aſcunement deſore-navaunt par aſcuns ou aſcuny par colour de tieux proviſions licences pardons ou acceptations qe meſ-mes les grevours moleſtours ou inquietours & cheſ-cuny de ceux eient & encourgent ait & encourge les peines & puniſſementz en les eſtatutz & ordeign-ances des proviſours avant ces heures faitz conte-nuz & ceo par proces de premunire facias fourmee ſur le cas & qe la partie qi purſuera meſme le brief recovera ſes damages a treble ſi les defendantz en meſme le brief nomez ou aſcuny dicelles ſoient ou ſoit convictz ou convict ceſte partie.

See 5 *El. c.* 1. *againſt maintaining the Authority of the See of* Rome, *and* 13 *El. c.* 2. *againſt bringing Bulls, &c. from* Rome.

CAP.

CAP. V.

In which Courts an Attaint may be brought upon a falſe Verdict given in the City of *Lincoln*, and by whom it ſhall be tried.

Ex Rot. in Turr. Lond.

ITEM combien par eſtatut fait en la parlement tenuz a Weſtm' lan du reigne le Roi RICHARD ſeconde puis le conqueſt treſziſme ordeigne fuit & eſtablie qen aſſiſes jurees & toutz autres enqueſtes queux delors ſerroient priſez parentre partie & partie devaunt les mair & ballives de la citee de Nichole qi pur le temps ſerroient ſi aſcune des parties delors ſoi pleindroit de faux ſerement fait par tielx aſſiſes jurees ou enqueſtes latteint luy ſerroit grantee & le record ſerroit mandee par brief en Banc le Roy ou en commune Banc & qe le viſcont arraieroit le panell del juree de tiele atteinte des foreins ſanz mander al franchiſe du dite citee & qe les Juſtices prendroient meſme la juree de meſmes les foreins nient contreſteant aſcune franchiſe grantee au dite citee ou autre uſage a contraire. Jalemeins pur tant qe Sir HENRY nadgairs Roi dEngleterre pier a noſtre treſſoverian Seignur avauntdit le xxi. jour de Novembr' lan de ſon regne unſziſme par ſes lettres patentz entre autres graunta as mair & comminalte de la dite citee qe le noun des Baillives de meſme la citee ſerroit tranſlatee en le noun des Viſcontz & qe meſme la citee les ſuburbes & le purceint dicell forſpris le chaſtell & le bayle de Lincoln & les mures & foſſes dicell alors pur toutz jours ſerroit appelle le Countee del citee de Lincoln pluſeurs gentz ſont & ont eſteez en ambiguite le quell homme qi pleindre ſe vorra de faux ſerement fait en le countee du dite citee puiſſe par force del eſtatut ſuiſdit avoir brief de atteinte adreſſer a viſcont del countee de Nichole deſtre arraie par gentz de meſme le countee ou nemy & auxint dautres articles & points de meſme leſtatut le Roy voillant ouſter toutz maners ambiguitees & awereſtees ceſte partie Si ad ordeigne grante & eſtablie qen aſſiſes jurees & autres enqueſtes qeconqes qi ſont & ſerront priſez parentre partie & partie devaunt les mair & baillives ou viſcont del countee de la dite citee de Nichole qi pur le temps furent & ſerront ou aſcuns de eux ſi aſcun des parties ſoi pleint de faux ſerement fait par tieux aſſiſes jurees ou enqueſtes brief datteint luy ſoit grantee adreſſer al viſcont del dit countee de Nichole pur le temps eſteant & le record ſoit mandee par brief en Banc le Roy ou en commune Banc & qe le viſcont del countee de Nichole qi pur le temps ſerra arraie le panell del juree de tiel atteinte des gentz del countee du Nichole Et qe les juſtices du Roy & de ſes heirs preignent meſme la juree del countee de Nichole ſolonc lentent & leffect del dit eſtatut les ditz lettres patentz ou riens leins contenuz ou aſcune poſſeſſion ou autre choſe par force de meſmes les lettres eux ou faitz ou aſcune franchiſe grantee ou a grantier as citee qe le noun des Baillives de meſme la citee

" ITEM, Whereas by the Statute made in the Par- 13 R. 2. ſtat. 1. c. 18.
" liament holden at *Weſtminſter* the Thirteenth
" Year of King RICHARD the Second, it was ordained
" and ſtabliſhed, That in Aſſiſes, Juries, and all other
" Inqueſts, which thenceforth ſhould be taken betwixt
" Party and Party, before the Mayor and Bailiffs of
" the City of *Lincoln*, which for the Time ſhould be,
" if any of the Parties then did complain him of falſe
" Oath made by ſuch Aſſiſes, Juries, or Inqueſts, that
" the Attaint ſhould be granted to him, and the Record
" ſhould be ſent by Writ into the King's Bench, or
" into the common bench; and that the Sheriff
" ſhould array the Panel of the Jury of ſuch Attaint,
" of Foreigns, without ſending to the Franchiſe of the
" ſaid City; and the Juſtices ſhould take the ſame
" Jury of the ſame Foreigns, notwithſtanding any
" Franchiſe granted to the ſaid City, or any other
" Uſage to the contrary. Nevertheleſs, foraſmuch
" as the Lord HENRY, late King of *England*, Father
" to our Sovereign Lord the King aforeſaid, the Twen- The Name of Bailiffs of *Lincoln* tranſlated into the Name of The Sheriffs.
" ty-firſt Day of *November*, the *Eleventh* Year of
" his Reign, by his Letters Patents, amongſt others,
" granted to the Mayor and Commonalty of the ſaid
" City, that the Name of Bailiffs of the ſame City
" ſhould be tranſlated into the Name of Sheriffs; and
" that the ſame City, Suburbs, and Precinct of the
" ſame (except the Caſtle of *Lincoln*, and the Walls
" and Ditches of the ſame) ſhould for ever be called
" The County of the City of *Lincoln*; divers People be
" and have been in Doubt, whether a Man that will
" complain of a falſe Oath made in the County of the
" ſaid City after, by Force of the ſaid Statute, ſhould
" have a Writ of Attaint directed to the Sheriff of the
" County of *Lincoln*, to be arrayed by the People of
" the ſame County, or not, and alſo of other Articles
" and Points of the ſaid Statute;" ' the King wil- Upon a falſe Verdict given before the Mayor, &c. of the County of the City of *Lincoln*, an Attaint may be brought triable by Foreigners.
' ling to remove all Manner of Ambiguities and Doubts
' in this Behalf, hath ordained, granted, and eſtabliſh-
' ed, That in Aſſiſes, Juries, and all other Inqueſts
' which be and ſhall be taken betwixt Party and Party,
' before the Mayor and Bailiffs, and before the Sheriff
' of the County of the City of *Lincoln*, which for the
' Time is, and ſhall be, or any of them, if any of the
' ſaid Parties do complain of a falſe Oath made by ſuch
' Aſſiſes, Juries, and Inqueſts, a Writ of Attaint ſhall
' be granted to him, directed to the Sheriff of the ſaid
' County of *Lincoln* for the Time being, and the ſame
' Record ſhall be ſent by a Writ into the King's
' Bench, or into the common Bench; and that the
' Sheriff of the County of *Lincoln*, which for the
' Time ſhall be, ſhall array the Panel of the Jury of
' ſuch Attaint of People of the County of *Lincoln*;
' and that the Juſtices of the King and of his Heirs
' ſhall take the ſame Jury of People of the County of
' *Lincoln*, according to the Intent and Effect of the
' ſaid Statute, notwithſtanding the ſaid Letters Pa-
' tents, or any thing therein contained, or any Poſ-
' ſeſſion or other Thing by the Force of the ſame
' Letters had or made, or any Franchiſe granted, or

to

' to be granted to the Citizens of the ſaid City, or to ' their Succeſſors, or other Uſage to the contrary, or ' that the ſaid City of *Lincoln* is ſo made incorporate ' County by itſelf and ſevered from the County of ' *Lincoln*.

Ex Rot. in Turr. Lond.

zeins du dite citee ou a lour ſucceſſours ou autre uſage a contraire ou ceo qe la dite citee de Nichole eſt enſy fait incorporate countee par luy meſmes & ſeveree del countee de Nichole non obſtantz.

See farther concerning Attaints, 11 *H.* 6. *c.* 4. 15 *H.* 6. *c.* 5. 18 *H.* 6. *c.* 2. 11 *H.* 7. *c.* 21. 23 *H.* 8. *c.* 3. *and* 37 *H.* 8. *c.* 5.

CAP. VI.

It ſhall be Treaſon to clip, waſh, or file Money.

" ITEM, Becauſe that before this Time great " Doubt and Ambiguity hath been, whether that " Clipping, Waſhing, and Filing of the Money of " the Land, ought to be judged Treaſon, or not, for- " aſmuch as no Mention thereof is made in the De- " claration of the Articles of Treaſon made in the " Parliament holden the Twenty-fifth Year of King " EDWARD the Third, Great Grandfather to our " Sovereign Lord;" ' the ſame our Lord the King, ' willing to decide ſuch Doubt, and to put the ſame ' in a Certainty, hath declared in this preſent Parliament, that ſuch Clipping, Waſhing, and Filing, ' ſhall be adjudged for Treaſon, and they which ſo do ' clip, waſh, and file the Money of the Land, ſhall ' be judged Traitors to the King and to the Realm, ' and ſhall incur the Pain of Treaſon.'

Repealed by 1 Mar. ſeſſ. 1. c. 1. and revived by 5 El. c. 11.

Farther enforced by 18 *El. c.* 1. *and* 6 & 7 *W.* 3. *c.* 17. *ſec.* 9.

ITEM pur ceo qe devaunt ces heures grande doute & awereuſte ad eſte le quell la tonſure loture & fylyng de la moneie de la terre duiſſent eſtre adjuggez treſon ou nient a cauſe qe null mention ent eſt fait en la declaration des articles de traiſon faitz en le parlement tenu lan vingt & quint del noble Roi EDWARD beſaiel a noſtre dit treſſoverain Seignur le Roi meſme noſtre Seignur le Roi voillant ouſter tiele doute & le mettre en certein ad declarree en ceſt preſent parlement qe tieux tonſure loture & filer ſoient adjuggez pur traiſon & qe ceux qi tondent lavent & filent la moneie de la terre ſoient adjuggez traitours a Roi & a le Roialme & encourgent la peine du traiſon.

CAP. VII.

What Juſtices ſhall have Authority to hear and determine the Offences of falſifying of Money.

" ITEM, Becauſe counterfeiting, clipping, waſh- " ing, and other Falſity of Money of the Land, " is much more uſed, and daily doth more abound " than it was wont, for that the Puniſhment of the " ſame pertaineth not to any Judges of the Realm, but " to the King's Juſtices before himſelf, or by ſpecial " Commiſſions thereto aſſigned, and it is very likely " there will be Deſtruction of the Money, unleſs haſty " Execution and Remedy be provided, as the King " by the grievous Complaint of the Commons hath " perceived;" ' our ſaid Lord the King, willing ' to remedy the ſame, hath ordained and eſtabliſhed, ' That the King's Juſtices aſſigned to take Aſſiſes in all ' the Counties of *England* ſhall have Power by the ' King's Commiſſions to hear and determine, in their ' Seſſions, as well of the counterfeiting, and of the ' bringing of ſuch falſe Money into the Realm, as of ' clipping, waſhing, and every other Falſity of the ' ſaid Money; and that the Juſtices of Peace ' through the Realm ſhall have Power by the King's ' Commiſſions to inquire of all ſuch Matters, and ' thereupon to make Proceſs by *Capias* only againſt ' thoſe which before them ſhall be thereof indicted.'

See 5 El. c. 11. *with reſpect to the Trial of Peers.*

ITEM pur ceo qe contrefaiture tonſure & loture & autre faxine de la moneie de la terre eſt le pluis uſee & pluis ſe habunde de jour en autre qe ne ſoleit a cauſe qe le puniſſement dicelles nappertient a aſcun juge du Roialme ſinoun as Juſtices du Roi devaunt luy meſmes ou devaunt Juſtices par eſpecialx commiſſions a ceo aſſignez a veraiſemblable deſtruction de la dite moneie ſinon qe pluis haſtive execution & remedie ſoit ordeigne come le Roi a le grevous compleint des ditz communes ad conceu Meſme noſtre Seignur le Roy voillant ceo remedier Si ad ordeigne & eſtablie qe les Juſtices du Roi as aſſiſes prendre aſſignez & aſſignerz en toutz les countees dEngleterre eient poair par commiſſion le Roi doier & terminer en lour ſeſſions ſibien de contrefaiture & de lapporte de tieux fauxe moneie en Engleterre come de tonſure loture & cheſcune autre fauxine du dite moneie. Et qe les juſtices de la pees parmy le Roialme eient poair par commiſſion le Roi denquerer de toutz tieux maters & ſur ceo faire proces par capias tantſoulement vers ceux qi devaunt eux ſerront ent enditez.

CAP. VIII.

Ordinaries ſhall take no more for proving of Teſtaments, with their Inventories, than was taken in the Time of King EDWARD the Third.

EXP. 31 Ed. 3. ſtat. 1. c. 4.

Enforced by 21 *H.* 8. *c.* 5. *which aſcertains the Fees to be taken.*

Statutes

Statutes made at Weſtminſter, Anno 4 HEN. V. *and* Anno Dom. 1416.

Ex Rot. in Turr. Lond. *m.* 3.

A Parlement tenuz a Weſtm' le xix. jour dOctobr' lan du regne le Roy HENRY quint puis le conqueſte quarte meſme noſtre Seignur le Roy del aſſent des Prelatz Ducs Counts & Barons & a les eſpecialx inſtance & requeſte des Communes aſſemblez en ceſt preſent parlement ad fait ordeigne & eſtablie certeins eſtatutz & ordeinances en la fourme qenſuit.

" AT the Parliament holden at *Weſtminſter* the nineteenth Day of *October*, the fourth Year of the Reign of King HENRY the Fifth after the Conqueſt; the ſame our Lord the King, with the Aſſent of the Prelates, Dukes, Earls, Barons, and at the ſpecial Inſtance and Requeſt of the Commons aſſembled in the ſame Parliament, hath cauſed to be ordained and ſtabliſhed certain Statutes and Ordinances, in the Form as followeth."

CAP. I.

A Confirmation of all former Statutes not repealed.

PRimerement qe la Grande Chartre & la Chartre de la Foreſte & toutz autres eſtatutz & ordeinances faitz en ſon temps & es temps de ſes nobles progenitours Rois dEngleterre & nient repellez ſoient fermement tenuz & gardez en toutz pointz.

' FIRST, That the Great Charter, and the Charter of the Foreſt, and all other Statutes and Ordinances made in his Time, and in the Time of his noble Progenitors Kings of *England*, and not repealed, ſhall be firmly holden and kept in all Points.'

CAP. II.

Sheriffs ſhall have Allowance upon their Accompts of Things caſual.

ITEM qe toutz les viſcontz dEngleterre eient allouance ſur lour accompts par lour ſerementes des choſes caſuels come des extretz qe ne ſonnent ne courgent my en ferme nen demande annuell mes des toutx ceux choſes qe ſonnent ou courgent en tieux fermes annuelx ou demandez annuelx ſoient ils chargez envers le Roi come les viſcontz ont eſtez chargez devant ces heures en le cas.

' ITEM, That all the Sheriffs of *England* ſhall have Allowance upon their Accompts, by their Oaths, of Things caſual, as of Eſtreats that be † not in Ferm nor in Demand; but of all ſuch Things that be or run in yearly Ferms or yearly Demands, they ſhall be charged to the King, as the Sheriffs have been charged in that Caſe in Times paſt.' 4 Inſt. 107. † Sound.

CAP. III.

No Man ſhall make any Pattens of Aſp, upon Pain of an hundred Shillings.

Rep. 1 *Jac.* 1. c. 25.

CAP. IV.

The Penalty aſſigned by the Statute of 12 RICH. II. *cap.* 4. for giving or taking of exceſſive Wages, ſhall be impoſed upon the Taker only.

EXP.

CAP. V.

How Merchants Strangers ſhall be uſed, and Hoſts appointed for them.

ITEM come en un eſtatut fait en le temps del Roi HENRY quarte puis le conqueſt lan de ſon regne quint ordeine fuit & eſtablie qe toutz les merchantz aliens de quell eſtat ou condition qils ſoient venantz demorantz ou repairantz deinz le Roialme dEngleterre ſoient traitez & demeſnez deinz meſme le Roialme en manere fourme & condition come les merchantz deinſzeins ſont ou ſerront traitez ou demeſnez es parties de par dela & en null autre manere ſur peine de forfaire a Roi toutz les biens & chateux des ditz merchantz aliens & ſur peine dempriſonment des corps de meſmes les merchantz aliens. Et enſement or-

" ITEM, Whereas in a Statute made in the Time of King HENRY the Fourth after the Conqueſt, the fifth Year of his Reign, it was ordained and ſtabliſhed, That all the Merchants Aliens, of what Eſtate or Condition they be, coming, abiding, or reſident within the Realm of *England*, ſhould be entreated and demeaned within the ſame Realm in the ſame Form, Manner, and Condition, as the Merchants Denizens be or ſhall be entreated or demeaned in the Parties beyond the Sea, and in no other Manner, upon Pain to forfeit to the King all the Goods and Chattles of the ſaid Merchants Aliens, and upon Pain of Impriſonment of the Bodies of ſuch Merchants Aliens. And alſo it

A Confirmation of the Statute of 5 H. 4. c. 7 & 9. concerning the uſing of Merchants Strangers.

" was ordained and ſtabliſhed in the Time of the ſaid " late King HENRY, amongſt other Things, by Sta- " tute, That in every City, Town, and Port of the " Sea of *England*, where the ſaid Merchants Aliens " or Strangers be, or ſhall be repairing, ſufficient " Hoſts ſhall be aſſigned to the ſame Merchants by " the Mayors, Sheriffs, or Bailiffs of the ſaid Cities, " Towns, and Ports of the Sea; and that the " Merchants Aliens and Strangers ſhall not remain " in other Places, but with the ſaid Hoſts ſo to be " aſſigned; and that the ſame Hoſts ſo to be aſſigned " ſhall take for their Labour in the ſame Manner " as was accuſtomed of old Time:" ' And for ' that our Lord the King hath perceived that the ſame ' Statutes have not been put in due Execution, he ' willeth and granteth, That the ſame Statutes ſhall ' be firmly holden and kept in all Points, and put in ' due Execution from henceforth according to the ' Purport of the ſame.'

See 12 H. 7. c. 5. *concerning Merchant Adventurers.*

Ex Rot. in Turr. Lond.

deine fuit & eſtablie en temps du dit nadgairs Roi HENRY entre autres choſes par eſtatut qen cheſcun citee ville & port du meer dEngleterre ou les ditz merchantz aliens & eſtranges ſont ou ſerront repairantz ſoient aſſignez a meſmes les merchantz ſufficeantz hoſties par les mairs viſcontz ou baillives des ditz villes & ports du meer & qe les ditz merchantz aliens & eſtranges ne ſoient demurantz en autre lieu ſinon oveſqe les ditz hoſties enſi a aſſignerz & qe meſmes les hoſties enſi a aſſignerz preignent pur lour travaill en manere qe fuit accuſtumez en auncien temps. Et pur tant qe noſtre Seignur le Roy ad entendu qe meſmes les eſtatutz nont eſte miſez en execution Si voet & grante meſme noſtre Seignur le Roi treſſoverain qe ycelles eſtatutz ſoient firmement tenuz & gardez en toutz points & mys en due execution de ceo enavaunt ſolonc la contenu en ycelles.

CAP. VI.

O B. Penalty on *Iriſh* Prelates for collating an *Iriſhman* to a Benefice in *England*, or bringing an *Iriſhman* to Parliament to diſcover the Counſel of *Engliſhmen* to Rebels.

CAP. VII.

In what Caſes Letters of Marque may be granted.

2 H. 5. c. 6. " ITEM, Becauſe our Sovereign Lord the King " hath heard and conceived, at the grievous Com- " plaint of the Commons of his Realm in this Parlia- " ment, for that in reſpect of a Statute made at his " Parliament holden at *Leiceſter* the laſt Day of *April* " the Second Year of his Reign, in which Statute is " contained, That the breaking of Truce and of ſafe " Conducts, and willing Receit, Abetment, Pro- " curement, Counſel, Hiring, Suſtaining, and Main- " taining of Breakers of Truce, and of the ſafe Con- " ducts of the King our Lord, to be made by his " liege People from henceforth within the Realm of " *England* and *Ireland*, and the Country of *Wales*, and " upon the main Sea, ſhall be judged and determined " for High Treaſon done againſt the Crown and the " King's Dignity; by Reaſon of which Statute, " though the King's Subjects be ſo much grieved " againſt the Truce, that they dare not provide Re- " medy by Way of Act, for that the King's Enemies, " as well in the Parts beyond the Sea, as in the Realm " of *Scotland*, have hereof taken great Courage to " grieve the King's faithful liege People, in ſlaying " ſome of them, and in taking ſome of them Priſoners, " and alſo taking their Goods and Chattles, againſt " the Tenor of the Truce, as well upon the main " Sea, as upon the Marches of *Scotland*, whereof the " ſaid Commons have humbly beſeeched our ſaid " Sovereign Lord the King to provide Remedy;" ' the King willing, as well in this Caſe as in other, to ' take Order for the Indemnity of his liege People ' and faithful Subjects, hath declared in this preſent ' Parliament, That of all Attempts made by his Ene- ' mies upon any of his faithful liege People, againſt ' the Tenor of any Truce taken before this Time, ' wherein is no expreſs Mention made, that all Marques ' and Repriſals ſhall ceaſe, the ſame our Sovereign ' Lord the King will grant Marque in due Form to

ITEM pur ceo qe le Roi noſtre ſoverain Seignur ad oiez & concieu a la grievous compleint de la Comminalte de ſon Roialme en ceſt preſent parlement de ceo qe par cauſe dun eſtatuit fait en ſon parlement tenuz a Leyceſtre le darrein jour dAverill lan de ſon regne ſeconde en quel eſtatutz il eſt contenuz qe les romperies des trieues & ſaufconduitz & voluntries receit abettement procurement conſeil lower ſuſtenance & maintenance des rompours de trieues & ſaufconduitz du Roi noſtre ſoverain Seignur par ſes lieges affaires delors enavant dedeinz les Roialmes dEngleterre & Irland & a la paiis de Gales & ſur le haut meer ſoient ajuggez & terminez pur haut traiſon ſait encontre la corone & dignite du Roi a cauſe de quell eſtatut combien qe les ſubgitz du Roi ſoient grevez encountre les trieues ils nooſent ſoy purvoier de remedie par voie de fait Purtant les ennemys du Roy noſtre ſoverain Seignur ſibien es parties depar dela la meer come en Roiaume dEſcoce en ont pris graunde corage de grever les foialx lieges du Roy en tuant aſcuns de eux & aſcuns en preignaunt priſoners & auxi en preignant lour biens & chateux encountre le tenure des trieues ſibien ſur le haut meer come en les marches dEſcoce deſuiſdit dont le ſuiſdit comminalte humblement ad ſupplie noſtre dit Seignur le Roi de Remede voillant le Roi noſtre dit Seignur en ceo cas & autres toutditz purvoier a lindempnitee de ſes lieges & foiaux ſubgitz ad declarez en ceſt preſent parlement qe de toutz attemptatz faitz par ſes ennemys ſur aſcuns de ſes foialx lieges encountre le tenure daucunes trieuves devant ces heures priſes en les quelles neſt pas fait expreſſe mention qe toutz marques repriſailles ceſſeront meſme noſtre Seignur le Roi a toutz qi lour ſentiront en tiel cas grevez Voet grauntier marque

Ex Rot. in Turr. Lond.

marque en due forme & pareillement ferra noſtre dit Seignur le Roi a toutz ſes lieges qi ſe ſentiront grevez encontre le tenure daucuns trieuves qe contre luy & aucuns ſes enemys ſerront de novel priſez en temps avenir. Et a la greindre conſolation de ſes ditz foialx lieges au fyn qils purront pluis preſtement & ſanz longes delaies avoir remede en ceo cas Voet meſme noſtre Seignur le Roi qe cellui ou ceux qi ſe ſentira ou ſentiront grevez encountre le teneur & fourme de tielles trieuves dedeins le Roialme dEngleterre hors de les ſuiſditz marches dEſcoce ou ſur le meer ou es parties pardela ſoy compleindra ou compleindront au Gardein du prive ſeal qi pur le temps ſerra qi tiel compleint oiee & entendue ent ferra pur la partie compleignante lettres de requeſt ſoutz le prive ſeal en due fourme. Et ſi apres tiel requeſt faite la partie requiſe ne ferra dedeinz temps convenable due reſtitution ou ſatisfaction a la partie grevee adonqes le Chaunceller dEngleterre pur le temps eſteant ferra faire a tiele partie grevee ſi le voet demander lettres de marque deſoutz le grande ſeal en due forme. Et qant a purveance de remede pur les lieges & ſubgitz du Roi qi ſe ſentont ou ſentiront grevez en dit Roiaume dEſcoce ou en Engleterre es marches adjoignantz au dit Roiaume dEſcoce countre la forme de tielles trieuves come deſſuis le Roy noſtre Seignur dourra poair par commiſſion as gardeins ſibien de lEſt marche come de la Weſt marche vers Eſcoce & a cheſcun de eux pur oier les compleints de toutz yceux de ſes lieges & ſubgiz qi enſi ſont ou ſerront grevez & pur faire ſur ceo eſtre faite requeſt par lettres a bailler a cellui qi ad ou avera fait la grevance ou a gardein de la marche ou conſervatour de les trieves pur la partie dEſcoce ſi ſe purra bonement faire ou autrement de faire proclamation en lieux publiks ſur la marche qe cellui ou ceux qi avera ou averont fait tiels grevances encountre les trieuves ent face ou facent du reſtitution ou ſatisfaction a la partie grevee & ſils ne le facent point dedeins temps covenable adonqes al inſtance de cheſcun des lieges & ſubgiz du Roi noſtre Seignur qi en ſente ou en ſentira eſtre greveez en tiel cas pur y douner lettres de marque en due fourme deſoutz les ſealx des ditz gardeins ou deſoutz le ſeal de cellui de eux a qi la compleinte ſerra faite en ceo cas ſanz difficulte aucune.

‘ all them that feel themſelves in this Caſe grieved,
‘ and our ſaid Lord the King will do the like to
‘ all his liege People that feel them grieved againſt the
‘ Tenor of any Truce, which betwixt him and any
‘ of his Enemies ſhall be newly taken hereafter.
‘ And to the greater Comfort of his faithful liege Peo- The Manner how to obtain Letters of Marque.
‘ ple, to the Intent that they may the more readily,
‘ and without long Delay, have Remedy in this Caſe,
‘ the ſame our Lord the King will, That if he or they
‘ that feel them grieved againſt the Tenor and Form
‘ of ſuch Truce within the Realm of *England*, out of
‘ the ſaid Marches of *Scotland*, or upon the Sea, or in
‘ the Parties beyond the Sea, ſhall complain to the
‘ Keeper of the Privy Seal, which for the Time ſhall
‘ be, who after ſuch Complaint heard and perceived,
‘ thereof ſhall make to the Party Complainant (if he
‘ the ſame require) Letters of Requeſt under the Privy
‘ Seal in a due Form. And if, after ſuch Requeſt
‘ made, the Party required do not make, within a con-
‘ venient Time, due Reſtitution or Satisfaction to the
‘ Party grieved, then the Chancellor of *England* for
‘ the Time being ſhall cauſe to be made to ſuch Party
‘ grieved (if he that demand) Letters of Marque under
‘ the Great Seal in a due Form. And as for Re- Letters of Marque where Truce is broken in *Scotland*, or the Marches thereof.
‘ medy to be ordained for the King's liege People and
‘ Subjects, that feel them grieved in the Realm of
‘ *Scotland*, or in *England* at the Marches joining to
‘ *Scotland*, againſt the Form of ſuch Truce as afore is
‘ ſaid, our Lord the King ſhall give Power by Com- Repealed by 4 Jac. 1. c. 1. ſo far as it concerns the People of *Scotland*.
‘ miſſion to the Wardens, as well of the Eaſt Marches,
‘ as of the Weſt Marches, toward *Scotland*; and to
‘ every of them, to hear the Complaints of all them
‘ his liege People and Subjects which be or ſhall be
‘ grieved, and to cauſe thereupon to be made Requeſt
‘ by Letters to be delivered to him which hath done,
‘ or ſhall do, ſuch Grievance, or to the Wardens of
‘ the Marches, or Conſervator of the Truce of the
‘ Parties of *Scotland*, if he may well do it; or other-
‘ wiſe to make Proclamation in open Places upon the
‘ Marches, that he or they which have done ſuch
‘ Grievances againſt the Truce, ſhall make due Reſti-
‘ tution or Satisfaction to the Party grieved; and
‘ if they do it not within a convenient Time, then at
‘ the Inſtance of every of the King's liege People and
‘ Subjects, which thereof feeleth, or ſhall feel him-
‘ ſelf grieved in ſuch Caſe, Letters of Marque be given
‘ in due Form under the Seals of the ſaid Wardens,
‘ or under his Seal to whom the Complaint ſhall be
‘ made in this Caſe without any Difficulty.’

CAP. VIII.

The King's Pardon of the Suit of his Peace, and of certain Iſſues loſt. EXP.

A Statute made at Weſtminſter, Anno 5 Hen. V. *and* Anno Dom. 1417.

Cotton *MS. Nero*, C. 1.

All Perſons until the next Parliament may make their Attornies in Wapentakes, Hundreds, and Court Barons. Exp. 3 H. 5. *ſtat.* 2. c. 2.

A Statute made at Weſtminſter, Anno 7 HEN. V. *and* Anno Dom. 1419.

A Remedy againſt thoſe that indict others of Felony committed in a Place where there is none ſuch. Proceſs againſt Makers, *&c.* of falſe Deeds.

" HENRY King of *England*, *&c.* to his Chancellor in the County Palatine of *Lancaſter*, " Greeting. Know ye, That foraſmuch as " divers Men of Malice and Envy, and for Gain and " Revenge, have often cauſed to be indicted and appealed divers of our true liege People, of Treaſons " or Felonies in the County of *Lancaſter*, pretending " by thoſe Appeals and Indictments, that the ſaid " Treaſons or Felonies were committed in a certain " Place, where of Truth no ſuch Place is had in the " ſaid County where the ſaid Appeal and Indictment " is made, to the great Damage and Peril of ſuch our " liege People, conſidering that ſome ſo appealed and " indicted dare not appear before the Juſtices in their " proper Perſons, to anſwer thereof, for Fear of beating, maiming, or killing of them, by the Conſpirators or Procurers of the ſame Appeals and Indictments, as by the Commons of the Realm of *England*, " in our laſt Parliament holden at *Weſtminſter*, by their " Petition there exhibited, grievouſly complaining, " was ſhewed:" ' It is ordained in the ſame Parliament, by the Aſſent of the Prelates and Great ' Men of the ſame Realm there being, at the Requeſt of the ſaid Commons, for the common Profit and Quietneſs of the People of the ſame Realm, That every ' Juſtice which hath Power to hear and determine ſuch ' Treaſons and Felonies within the ſaid County, by the Oath of Twelve Men (of whom every one ſhall have Freehold in the ſame County to the yearly Value of an Hundred Shillings above all Charges) before that the Exigent be awarded, without Allegation of the Party, as well in the Party's Abſence as his Preſence, ſhall inquire of Office, whether any ſuch Place be in the County where ſuch Appeals or Indictments be made, or to be made, or not; and if it be found that there is no ſuch Place within the ſame County, then ſuch Appeals and Indictments, and the Proceſs thereupon made, or to be made, ſhall be void, and holden for none; and that in ſuch Caſe the Indictors aforeſaid be puniſhed by Impriſonment, Fine and Ranſom by the Diſcretion of the ſaid Juſtices. And that this preſent Ordinance and Remedy extend as well to Appeals and Indictments not determined before this Time, as to Appeals and Indictments to be taken hereafter; and if any Exigent from henceforth be awarded, before that ſuch Inquiſition of Office, as afore is ſaid, be taken, that the ſame Exigent, and the awarding thereof, be likewiſe void and holden for none.' *Continued by* 9 HEN. 5. c. 1. *made perpetual* 18 HEN. 6. c. 12.

Continued by 9 H. 5. *ſtat.* 1. c. 1. *Confirmed by* 18 H. 6. c. 12.

The like Proceſs ſhall be awarded againſt him that maketh and publiſheth falſe Deeds by *Capias* and

' II. Provided that this preſent Ordinance have ' Strength, and extend only until the next Parliament. ' And alſo know ye, That in the ſaid Parliament, ' of the Aſſent and Requeſt aforeſaid, it was ordained ' and ſtabliſhed, That in Writs to be purchaſed

Ex Rot. in Turr. Lond. *m.* 3.

HENRICUS Dei gratia Rex Anglie & Francie & Dominus Hibernie Cancellario ſuo comitatus palatini Lancaſtrie ſalutem. Sciatis quod pro eo quod gentes nonnulle ex malitia & inimicitia ac propter lucrum & vindictam diverſos fideles ligeos noſtros de proditionibus ſive feloniis in comitatu Lancaſtrie frequentius indictari & appellari fecerunt pretendentes per appella ſeu indictamenta illa quod predicte proditiones aut felonie perpetrate fuerunt in certo loco ubi de veritate talis locus in comitatu predicto in quo appellum vel indictamentum factum exiſtit non habetur ad grave dampnum & periculum ligeorum noſtrorum hujuſmodi conſiderato quod quidam ſic appellati & indictati coram Juſticiar' ad reſpondend' inde ob metum verberationis mahemii ſeu interfectionis eorundem per ipſorum appellorum ſeu indictamentorum conſpiratores aut ea fieri procurantes in propriis perſonis comparere non audent prout per communitatem regni noſtri Anglie in ultimo parliamento noſtro apud Weſtm' tento exiſtentem per petitionem ſuam in parliamento illo exhibitam fuerat graviter conquerendo monſtratum ordinatum extititin eodem in parliamento de aſſenſu Prelatorum procerum & Magnatum dicti regni noſtri Anglie ibidem exiſtentium ad requiſitionem dicte Communitatis pro communi utilitate & quiete populi ejuſdem regni noſtri quod quilibet Juſtitiarius qui ad hujuſmodi proditiones & felonias infra comitatum predictum ordiendum & terminandum poteſtatem habet per ſacramentum duodecim virorum quorum quilibet liberum tenementum in predicto comitatu valoris annui centum ſolidorum ultra repriſas optineat priuſquam exigenda adjudicata fuerit abſque partis allegatione tam in partis abſentia quam preſentia inquirat ex officio utrum aliquis talis locus eſt in comitatu ubi appella ſeu indictamenta illa ſunt facta ſive facienda necne. Et ſi compertum fuerit quod talis locus non habetur infra eundem comitatum tunc appella & indictamenta ipſa & proceſſus inde factus ſeu faciendus ſint vacua & pro nullis habeantur & quod in caſu illo indictatores predicto per impriſonamentum finem & redemptionem per diſcretionem Juſtitiariorum predictorum puniantur. Et quod preſens ordinatio & remediam tam ad appella & indictamenta non determinata ante hæc tempora capta quam ad appella & indictamenta in futurum capienda ſe extendant & ſi que exigenda antequam hujuſmodi inquiſitio ex officio ut ſupradictum eſt capiatur decetero fuerit adjudicata quod tunc exigenda & adjudicatio ille ſimiliter ſint vacue & pro nullis habeantur.

Proviſo quod preſens ordinatio vigorem habeat & ſe extendat uſque ad parliamentum proximo futurum duntaxat. Et ulterius ſciatis quod in parliamento predicto de aſſenſu & requiſitione predictis ordinatum fuerat & ſtatutum quod in brevibus

Ex Rot. in Turr. Lond.

brevibus verſus eos qui fabricant ſeu faciunt cartas ſive munimenta minus vera & ea proclamant & legi faciunt perquirendis fiat proceſſus conſimilis per Capias & exigendam ut in brevibus de tranſgreſſione. Et ideo vobis mandamus firmiter injungentes quod ſtatim viſis preſentibus ordinationem & ſtatutum predicta in locis infra comitatum illum ubi magis expediens fuerit & neceſſe tam infra libertates quam extra publice proclamari demandetis necnon omnes & ſingulos Juſtitiarios noſtros poteſtatem audiendi & terminendi felonias & proditiones infra comitatum predictum habentes de dictis ordinatione & ſtatuto per literas veſtras tenorem eorundem continentes plenarie inſtrui & certificari faciatis indilate. Teſte Johanne Duce Bedfordie Cuſtode Anglie apud Weſtm' x. die Decembr' anno regni noſtri ſeptimo.

' againſt thoſe that forge or make untrue Charters or ' Miniments, and them proclaim, or cauſe to be read, ' like Proceſs ſhall be made by *Capias* and Exigent, ' as in Writs of Treſpaſs. And therefore we ' command you, firmly injoining, That immediately ' after the Sight hereof, you cauſe this Statute and ' Ordinance openly to be proclaimed in the Places ' within the ſame County where ſhall be moſt expe- ' dient and neceſſary, as well within Liberties as with- ' out; and that alſo you cauſe all and ſingular our ' Juſtices, having Power to hear and determine Felo- ' nies and Treaſons within the ſaid County, fully to ' be inſtructed and without Delay to be certified of ' the ſaid Ordinance and Statute by your Letters, con- ' taining the Tenour of the ſame. Witneſs, *&c.* the ' Sixteenth Day of *December*, the Seventh Year of ' our Reign. And by Petition in the Parliament ' holden at *Weſtminſter* the Second Day of *December*, ' the Eighth Year of the ſame King, a like Writ was ' made; ſaving that the *Teſte* of the ſame Writ was, ' *Witneſs* Humfrey *Duke of* Glouceſter, *Protector of* ' England, *at* Weſtminſter, *the Tenth Day of* January, ' *the Eighth Year*, &c.'

Exigent, as in Writs of Treſpaſs. Rep. 5 El. c. 14.

REX vicecomitibus London' ſalutem. Sciatis quod pro eo quod gentes *&c. ut ſupra uſque*—ut in brevibus de tranſgreſſione. *Et tunc ſic:* Et ideo vobis precipimus firmiter injungentes quod *&c. ut ſupra uſque ibi*——& neceſſe *et tunc ſic*——publice proclametis ſeu proclamari faciatis. *Teſte ut ſupra.*

Conſimilia brevia diriguntur ſingulis vicecomitibus per Angliam.

A Statute made at Weſtminſter, Anno 8 HEN. V. *and* Anno Dom. 1420.

Ex Rot. in Turr. Lond. *m.* 2.

AU parlement tenuz a Weſtm' le ſecond jour de Decembr' lan du reigne le Roy HENRY quint puis le conqueſt oeptiſme meſme noſtre Seignur le Roy del aſſent des Seignurs eſpirituelx & temporelx & a les eſpeciale inſtance & requeſt des Communes aſſemblez a ceo meſme parlement fiſt ordeiner & eſtablir certeins eſtatutz & ordinances en la fourme qenſuit.

" AT the Parliament holden at *Weſtminſter* the Second Day of *December*, the Eighth Year of the Reign of King HENRY the Fifth, the ſame our Lord the King, by the Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Inſtance and Requeſt of the Commons aſſembled in the ſame Parliament, hath cauſed to be ordained and ſtabliſhed certain Statutes and Ordinances, in the Form following."

CAP. I.

Parliament Writs being awarded in the Name of the King's Lieutenant, ſhall not be ſtayed by the King's Return into *England*. EXP.

CAP. II.

Certain Gold or Silver ſhall be brought to the Mint inſtead of Wooll or Tin tranſported. OB.

CAP. III.

What Things only may be gilded, and what laid on with Silver.

ITEM qe nulle perſone enorre en temps avenir aſcuns dez gemes appelles ſhethes ne metaille ſinon argent & les ornaments de ſeint eſgliſe ne argente null metaille forſpris les eſperons des chivalers & tout lapparaille qe appertient au baron & deſuis celle eſtate ſur peine de forfaire au Roy

' ITEM, That none from henceforth ſhall gild ' any Sheaths, nor Metal, but Silver, and the Or- ' naments of holy Church; nor ſhall ſilver no Me- ' tal but Knights Spurs, and all the Apparel that per- ' taineth to a Baron, and above that Eſtate: upon Pain ' of Forfeiture to the King ten times as much as the ' Thing

'Thing ſo gilt is of Value, and ſhall have alſo one 'Year's Impriſonment. And the Juſtices of Peace 'ſhall have Power to inquire thereof, and that to 'determine. And he that will ſue for the King in 'this Behalf, ſhall have the third Part of the ſaid pe-'cuniary Pain.

5 H. 4. c. 13. 'II. Provided, That this laſt Ordinance ſhall begin 'to hold Place at the Feaſt of *Eaſter* next coming.'

Ex Rot. in Turr. Lond.

dys foitz a tant come la choſe iſſint enorree ſoit de value & avera auxi lempriſonement dun an. Et eient Juſtices de la pees poair dent enquerrer & ceo terminer & celuy qui ferra la ſuit pur le Roy ceſte partie ait la terce partie de la dit peine pecuniere.

Purveu qe ceſt darrain ordeinance commencera a tenir lieu a le feſt de Paſk proſchein avenir.

Statutes made at Weſtminſter, Anno 9 Hen. V. *Stat.* 1. *and* Anno Dom. 1421.

"At the Parliament holden at *Weſtminſter* the "Second Day of *May*, the Ninth Year of the "Reign of King Henry the Fifth after the "Conqueſt; the ſame our Lord the King, by the Aſ-"ſent of the Lords Spiritual and Temporal, and at "the ſpecial Inſtance and Requeſt of the Commons, "aſſembled in the ſame Parliament, hath cauſed to be "ordained and ſtabliſhed certain Statutes and Ordi-"nances in the Form following."

Ex Rot. in Turr. Lond. *m.* 2.

AU parlement tenuz a Weſtm' le ſeconde jour de Maii lan du reigne del Roy Henry quint puis le conqueſt noeveſme meſme noſtre Seignur le Roy del aſſent des Seignurs eſpirituelx & temporelx & a les eſpeciale inſtance & requeſt des Communes aſſemblez a ceo meſme parlement fiſt ordeiner & eſtablir certeins eſtatutz & ordinances en la fourme qenſuiſt.

CAP. I.

A Continuance of the Statute of 7 Hen. 5. touching Indictments.

1 Roll 415. 'FIRST, That the Statute made in the Parlia-'ment holden at *Weſtminſter* in the Seventh Year 'of the Reign of our ſaid Lord the King, touching

Made perpetual by 18 H. 6. c. 12. 'Appeals and Indictments, ſtand in his Force, and 'hold Place, till the next Parliament to be holden

7 H. 5. c. 1. 'after the King's Return from beyond the Sea into '*England*.'

EN primes pur ceo qe pluſeurs gents par malice enemite & vengeance facent ſovent foitz les foialx lieges du Roy eſtre appellez ou enditez en diverſes countes des traiſons ou de felonies ſuppoſant par les ditz appelles ou enditements qe les ditz traiſons & felonies furent faitz en un certein lieu la ou il nad tiel lieu en cell countee ou lenditement eſt fait ne tiel lieu come eſt ou ſerra declaree par les ditz appelles ordeines eſt qe les ditz appelles & enditementz & le proces dicelles ſoient voidez & tenuz pur null & qe les ditz appelles ou enditez point avoir brieves de conſpiracie vers lour enditours procurours & conſpiratours & recoverer lour damages & qe les ditz enditours procurours & conſpiratours ſoient auxi puniz par empriſonement fyn & raunceon pur avantage du Roy par diſcretion dez Juſtices. Et qe ceſt ordinance & remedie ſextendent auxibien des appelles & enditementz priſez devaunt ces heurs en temps noſtre Seignur le Roy quoreſt nient determinez come des appelles ou enditements apprendrerz en temps avenir & qe ceſt ordinance eſtoiſe en ſa force tanque a proſchein parlement a tenir puis la revenu noſtre dit Seignur le Roy en Engleterre de pardela.

CAP. II.

EXP. 18 H. 6. c. 13. 20 H. 6. c. 2. 33 H. 6. c. 2. No Perſon outlawed in the County of *Lancaſter* ſhall forfeit any Lands or Goods but ſuch as he hath in the ſame County.

4 Inſt. 51. 1 H. 4. c. 18.

CAP. III.

EXP. 4 H. 6. c. 2. 34 Ed. 4. c. 2. Protections granted to them that be in the King's Service in *Normandy* or *France*, or which ſhall paſs with him into *France*.

CAP.

CAP. IV.

The Juſtices may amend Defaults in Records or Proceſs after Judgement given.

Ex Rot. in Turr. Lond.

ITEM come ordeine fuit & eſtable en leſtatut fait lan quatorſziſme del Roy E. tierce puis le conqueſt qe pur meſpriſion du clerk en qeconqe place qe ceo ſoit ne ſoit proceſſe du plee anientie ne diſcontinue par meſprendre en eſcrivant un lettre ou un ſilable trop ou trop poy mes ſi toſt come la choſe ſerra apercieu par chalange du partie ou en autre manere ſoit haſtiment amendee en due fourme ſanz doner avantage au partie qe ceo chalengera pur cauſe de tiel meſpriſion le Roy noſtre ſeverayn Seignur conſiderant la diverſitee doppinions queux len avoit ſur le dit eſtatut & pur mettre la choſe en le pluis overte coniſance ad declares & ordeinez au preſent par auctorite du ceſt parlement qe les Juſtices devaunt queux tiel plee ou recorde eſt fait ou ſerra pendant ſibien par adjournement come par voie derrour ou autrement eient poar & auctorite de amender tiels recorde & proces come avaunt eſt dit ſolonc la forme de meſme leſtatuit ſibien apres juggement, en tiel plee recorde ou proces renduz come avaunt le juggement renduz en tiel plee recorde ou proces tant come les ditz recorde & proces ſoient devaunt eux en meſme le manere come Juſtices avoient poiar de amendre tielx record & proces avaunt juggement renduz par force del dit eſtatuit en temps du dit Roy E. fait come deſuis. Et durrera ceſt ordinance tanqe a parlement qi ſerra tenuz primerement apres la revenue du noſtre ſoverain Seignur en Engleterre de pardela.

" ITEM, Whereas it was ordained and ſtabliſhed in the Statute made the fourteenth Year of King EDWARD the Third after the Conqueſt, that for Miſpriſion of the Clerk in any Place whereſoever it be, the Proceſs of the Plea ſhould not be avoided nor diſcontinued, by miſtaking in writing one Letter or Syllable too much or too little, but as ſoon as the Thing is perceived, by Challenge of the Party, or in other Manner, it ſhould haſtily be amended in a due Form, without giving Advantage to the Party that challengeth the ſame becauſe of ſuch Miſpriſion;"
' the King our Sovereign Lord, conſidering the Diverſity of Opinions which have been upon the ſaid Statute, and to put the Thing in more open Knowledge, hath declared and ordained at this Time, by Authority of this preſent Parliament, That the Juſtices before whom ſuch Plea or Record is made, or ſhall be depending, as well by Adjournment, as by Way of Error, or otherwiſe, ſhall have Power and Authority to amend ſuch Record and Proceſs, as afore is ſaid, according to the Form of the ſame Statute, as well after Judgement in any ſuch Plea, Record, or Proceſs given, as before Judgement given in any ſuch Plea, Record, or Proceſs, as long as the ſame Record and Proceſs is before them, in the ſame Manner as the Juſtices had Power to amend ſuch Record and Proceſs before Judgement given by Force of the ſaid Statute made in the Time of the ſaid King EDWARD. And that this Ordinance endure till the Parliament that ſhall be firſt holden after the Return of our Sovereign Lord the King into *England* from beyond the Sea.'

14 Ed. 3. ſtat. 1. c. 6. 8 R. 2. c. 4. Dyer 342. 5 Co. 45. Made perpetual by 4 H. 6. c. 3. 8 H. 6. c. 12. 15.

See farther what Defects are amendable 10 *H.* 6. *c.* 4. 18 *H.* 6. *c.* 4. 18 *H.* 6. *c.* 9. 5 *Eliz. c.* 23. 27 *El. c.* 5. *and* 4 *Ann. c.* 16.

CAP. V.

During four Years the King may aſſign Sheriffs, *&c.* to continue in their Offices above one Year, notwithſtanding the Statute of 14 EDWARD 3. *Stat.* 1. *cap.* 7. EXP.

CAP. VI.

The Mint ſhall be at *Calais*. EXP.

CAP. VII.

The Statute provided 2 *H.* 5. *Stat.* 1. *c.* 5. for Offenders in *Tyndal* and *Exhamſhire*, ſhall be extended againſt the like Offenders in *Rideſdale*.

ITEM come en le parlement tenuz a Leyceſtre le darrein jour dAprill lan del reigne noſtre treſſoverayn Seignur le Roy qoreſt ſeconde a la grevous compleint fait au Roy illoeqes par certeins ſes communes de ceo qe pluſeurs murdres treſons homicides robberies & autres maffaitz as pluſeurs ſes lieges par gentz demurantz dedeins les franchiſes de Tyndale & Exhamſhire ou brief le Roy ne court mye par favour dicelles franchiſes furent perpetres a grande meſchief & peril des ditz lieges du Roy ordeigne fuit & eſtable qe ſi aſcune perſone des ditz franchiſes reſeant ou demurant deinz ycelles de quelle eſtate ou con-

" ITEM, Whereas in the Parliament holden at *Leiceſter* the laſt Day of *April*, the Second Year of the Reign of our Sovereign Lord the King that now is, at the grievous Complaint made to him there by certain of his Commons, for that many Murders, Treaſons, Manſlaughters, Robberies, and other Offences were committed upon divers of the King's liege People, by Perſons dwelling within the Franchiſes of *Tyndal* and *Exhamſhire*, by Favour of the Franchiſe, where the King's Writ doth not run, to the great Miſchief and Peril of the ſaid liege People; it was ordained and ſtabliſhed, That if any Perſon of the ſame Franchiſes, reſident and abiding within the ſame, of what Eſtate or Condition that

2 H. 5. ſtat. 1. c. 5.

" he

" he be, commit any Murders, Treaſons, Manſlaugh-
" ters, Robberies, or conſent to do the ſame out of
" the ſaid Franchiſes, Proceſs ſhall be made againſt
" him by the Common Law till he were outlawed;
" and that after ſuch Outlawry pronounced, and Re-
" turn made thereof, the Juſtices before whom ſuch
" Outlawry ſhall be returned, ſhould thereof make
" Certificate to ſuch Miniſter and Miniſters of the
" ſaid Franchiſes, as to them beſt ſhould ſeem in this
" Behalf, according to their Diſcretion; and ſuch Fe-
" lon ſhall be taken by ſuch Miniſter or Miniſters,
" and his Lands and Tenements, Goods and Chat-
" tles, being within the ſame Franchiſes, ſeiſed into
" the Hands of the Lords of the ſame Franchiſes for
" the Time being, as forfeit; and that the other Lands
" and Tenements, Goods and Chattles of ſuch Felons
" out of the ſame Franchiſes, ſhall wholly remain to
" the King, and to other Lords having thereof Fran-
" chiſes, as forfeit; ſaving always to the King the For-
" feitures of ſuch Murderers, Traitors, Manſlayers,
" Robbers, and all ſuch Offenders, and of other
" Things, which to him pertain as of the Right of his
" Crown. And foraſmuch as like Murders, Trea-
" ſons, Manſlaughters, Robberies, Conſents, and Of-
" fences by divers Perſons, Thieves, and Felons, cal-
" led *Intakers* and *Outputters*, dwelling within the
" Franchiſe of *Rideſdale*, in which Franchiſe the King's
" Writ doth not run, as it is ſaid, have been done now
" of late in divers Places in the Counties of *Northum-*
" *berland*, *Cumberland*, *Weſtmerland*, and elſewhere out
" of the ſame Franchiſe of *Rideſdale*, by Favour and
" Succour of the ſame Franchiſe, whereof no Redreſs
" towards them hath been had by the Laws heretofore
" uſed, to the great Miſchief, Peril, and Damage of
" the People ſo grieved, as our Sovereign Lord the
" King, by the grievous Complaint to him made in
" this preſent Parliament, hath fully perceived:"
' Our ſaid Sovereign Lord the King, willing to remedy
' the ſame, hath ordained and ſtabliſhed in the ſame
' Parliament, That ſuch Proceſs, Certificate, and Ex-
' ecution ſhall be made hereafter againſt ſuch Murder-
' ers, Manſlayers, Robbers, Conſenters, and Offenders,
' abiding or reſident within the ſaid Franchiſe of *Ride-*
' *ſdale*, for their Offences done out of the ſaid Franchiſe
' of *Rideſdale*. And alſo ſuch Manner of Forfei-
' tures ſhall run in all Points, as well to our Sovereign
' Lord the King, as to all other Perſons, as it was
' ordained for the ſaid Offenders of *Tyndal* and *Ex-*
' *hamſhire* by the ſaid Statute made at *Leiceſter*, and
' according to the Form and Equity of the ſame
' Statute; ſaving always to the King that which per-
' taineth to him in this Behalf, as of the Right of
' his Crown.'

Ex Rot. in Turr. Lond.

dition il fuiſſe face murdres treſons homicides ou robberies ou conſente de les faire hors des ditz franchiſes proces ſoit fait devers luy par la commune ley tanqe il ſoit utlagee & qe apres tile utlagarie pronuncie & retournee facent ent les Juſtices devaunt queux tiele utlagarie ſoit retournee certification a tieux miniſtres ou a tiel miniſtre dez ſuiſditz franchiſes come a eux ſemblera meultz celle partie ſolonc lour diſcretion & ſoit tiel felon pris par tiel miniſtre ou tieux miniſtres & ſes terres & tenementz biens & chatieux eſteantz deinz ycelles franchiſes ſeiſiez es mains des Seignurs de meſmes les franchiſes pur le temps eſteantz come forfaitz Et qe les autres terres & tenementz biens & chatieux de tiel felon eſteantz hors de meſmes les franchiſes demurgent entierment au Roy & as autres Seignurs aiantz en franchiſe come forfaitz Salvant toutz foitz au Roy les forfaitures dautiels murdrours traitours homicidours robbours & autres maffaiſours queconqes & dautres choſes queux a luy apperteignent come de droit de ſa corone. Et pur tant qe ſemblables murdres treſons homicides robberies conſentements & maffaites par diverſes perſones larons & felons appellez Intakers & Outputters demurantz deinz la franchiſe de Rideſdale en quele franchiſe le brief du Roy ne court mye come eſt dit ont eſtee faitz jatard en diverſes lieus en les countees de Northumbr' Cumbr' Weſtmerl' & aillours hors de meſme la franchiſe de Rideſdale par favour & ſocour de meſme la franchiſe dont null redreſce vers eux nad eſtee eu par les leies ceo enarere uſez a treſgraunde meſchief peril & damage a le poeple iffint grevez come le Roy par clamous pleint a luy fait en ceſte preſent parlement lad pleinement entendu. Noſtre ſoveraigne Seignur voillant ceo remedier ſi ad ordeignes & eſtablez en ceo meſme parlement qe autieux proces certification & execution ſoient faitz deſore enavaunt vers tieux murdrours traitours homicidours robbours conſentours & maſeſſours demurantz ou reſeantz dedeinz la dit franchiſe de Rideſdale pur cauſe de lour maffaitz faits dehors meſme la franchiſe de Rideſdale. Et auxi tieux maners forfaitures encourgent en toutz pointz ſibien envers le Roy come envers toutz autres perſones come fuit ordeigne vers les ditz maffaiſours de Tyndale & Exhamſhire par le dit eſtatuit fait a Leyceſtre & ſolonc la fourme & equite de meſme leſtatuit Salvant toutz foitz au Roy ceo qe a luy appertient celles parties come de droit de ſa corone.

See 11 H. 7. c. 9. 14 El. c. 13. Hexham *and* Hexhamſhire *declared to be within the County of* Northumberland.

CAP. VIII.

EXP. Certain Scholars of *Oxford* to be baniſhed the Univerſity for certain Offences.

CAP. IX.

EXP. & OB. No Abbot or Prior ſhall be appointed by any Biſhop to collect Diſmes or Subſidies out of the County where he dwelleth.

CAP.

CAP. X.

Keels that carry Sea-Coals to *Newcaſtle* ſhall be meaſured and marked.

Ex Rot. in Turr. Lond.

ITEM par la ou de cheſcun chaldre de charbons maritiſmes qe ſont & ſerront vendus as gents nient y franchiſes en le port del ville del Novell Chaſtell ſur Tyne ſont dues au Roy deux deniers de cuſtume & en meſme le porte ſont certeinz veſſelx appellez Keles par les queux tielx charbons ſont caries de la terre jeſqes a les naefs en le dit port & doit cheſcun des ditz keles eſtre del portage de vint chaldres & ſolonc meſme le portage la dite cuſtume ent eſt pris al oeps du Roy ſont ore certeinz gentz qont fait jatard tieles keles del portage de xxij. ou xxiij. chaldres dont la cuſtume ad eſtee pris ſolonc le portage de xx. chaldrez tantſoulement en deceite du Roy ſicome le Roy lad entendu par compleint en ceſt parlement Si ad il ordeine & eſtabliz encountre tiele deceite qe toutz les keles qore ſont & ſerront en temps avenir en le dit port ſoient meſures par certeinz commiſſioners a ceo aſſignerz par le Roy & merches de quell portage y ſoient devaunt ceo qe aſcun cariage ſoit fait par icelles ſur peine de forfaire au Roy toutz les veſſelx appellez Keles par les queux aſcuns tieux charbons ſerront caries devaunt ceo qe ils ſoient merchez en le manere avauntdit.

" ITEM, Whereas of every Chaldron of Sea-Coals, which be or ſhall be ſold to People not franchiſed in the Port of the Town of *Newcaſtle* upon *Tyne*, Two Pence be due to the King of Cuſtom, and in the ſame Port be certain Veſſels called *Keels*, by which ſuch Coals be carried from the Land to the Ships in the ſaid Port; and every of the ſaid Keels ought to be of the Portage of Twenty Chaldrons, and according to the ſame Portage, the Cuſtom is thereof taken to the King's Uſe; there be now certain People, that of late have made ſuch Keels of the Portage of twenty two or twenty three Chaldrons, whereof the Cuſtom hath been taken according to the Portage of twenty Chaldrons only, in Deceit of our Lord the King, as he hath perceived by Complaint in this Parliament;" ' it is therefore ordained and ſtabliſhed againſt ſuch Deceits, that all the Keels which now be, and hereafter ſhall be in the ſaid Port, ſhall be meaſured by certain Commiſſioners thereto aſſigned by the King, and marked of what Portage they be, before that any Carriage be made by the ſame, upon Pain of Forfeiture to the King all the Veſſels called *Keels*, by which any ſuch Coals ſhall be carried, before that they be marked in the Manner aforeſaid.'

Explained by 30 Car. 2. ſtat. 1. c. 8. and farther provided for by 6 & 7 W. 3. c. 10. *and* 11 *Geo.* 2. *c.* 15.

CAP. XI.

No *Engliſh* Gold ſhall be received in Payment but by the King's Weight.

ITEM pur ouſter periles & deceites queux longement ont contenus dedeinz le Roialme parmy les lavours tonſours & controfaitours de la moneie dEngleterre a treſgraundes meſchiefs & damages a toutz gents de meſme le Roialme le Roy par advis & aſſent de toutz les Seignurs & communes aſſembles en ceſt parlement ad ordeinez & eſtables qe de la veille del feſte de Novel prochein avenir enavaunt null liege du Roy receivera aſcune moneie dor Engleis en paiment ſinon par le pois du Roy ſur ceo ordeines. Et pur tant qe graunde partie del or de preſent currant en paiment neſt mye de droiturell pois ne de bone allai y faute ceo remettre a le cune au fyne qil poet eſtre novelment cunez de jouſt pois & bone alleie & ceo ferra eſtre a graunde perde & coſtages des ſubgitz du Roy ſil ne ſuy pleſt eux relever en ceo cas ſi ad le Roy de ſa grace eſpeciale remis & pardonee a toutz ſez liges qi parentre cy & le dit feſt de Novell ferront cuner de novel a le cunage du Roy dedeinz le Toure de Loundres lour monoie dor qe ne ſoit de jouſt pois ne de bone allaie ceſtaſſavoir tout ceo qi a luy appertient pur cell novell cunage de tiel ore come deſuis Salvez a le meſtre del mynte & as autres officers dicelle ceo qi a eux appartient reſonablement.

" ITEM, to avoid the Deceits and Perils which long have continued within the Realm by Waſhers, Clippers, and Counterfeiters of the Money of the Realm of *England*, to the great Loſs and Damage of all the People of the ſame Realm;" ' the King, by the Advice and Aſſent of all the Lords and Commons aſſembled in this Parliament, hath ordained and ſtabliſhed, That from *Chriſtmas* Even next coming, none of the King's liege People ſhall receive any Money of *Engliſh* Gold in Payment, but by the King's Weight thereupon ordained.' " *And becauſe a great Part of the Gold now current in Payment is not of rightful Weight nor of good Allay;*" ' the ſame ſhall be ſent to the Coine, to the Intent that it ſhall be newly coined of juſt Weight and of good Allay;' " *and becauſe that ſhall be to the great Loſs and Coſts of the King's Subjects, unleſs it pleaſe him to relieve them in this Caſe;*" ' our Sovereign Lord the King, of his ſpecial Grace, hath remiſed and pardoned to all his liege People, which betwixt this and the ſaid Feaſt of *Chriſtmas* ſhall cauſe to be coined of new at the King's Coinage within the *Tower* of *London*, their Money of Gold that is not of juſt Weight nor of good Allay, that is to ſay, all that to him pertaineth for this new Coinage of ſuch Gold as afore; ſaving always to the Maſter of the Mint, and to other Officers of the ſame, that which to them reaſonably pertaineth.'

These Lines in the *Italick* Letter are omitted in the ſeveral Editions of the Statutes publiſhed by *Pulton*, *Keble*, *&c.* but are in *Raſtal*.

CAP.

CAP. XII.

Writs purchaſed by the Wardens of *Rocheſter* Bridge, or againſt them, ſhall be good, though ſome of them die or be removed.

'ITEM it is ordained, That all the Writs to be 'purchaſed by the Wardens of the new Bridge 'of *Rocheſter*, and their Succeſſors, or by other againſt 'them to be purchaſed, ſhall be maintained and 'continued by the Law of *England*; and although 'that the ſaid Wardens, or any of them, be re- 'moved or expulſed from their ſaid Office, or do 'die, hanging the ſaid Writs, nevertheleſs the ſame 'Writs ſhall ſtand to be good and effectual in the 'Law for ever.'

See 18 El. c. 17. 27 El. c. 25. *which are altered by* 1 *Ann. ſtat.* 1. *c.* 18.

Ex Rot. in Turr. Lond.

ITEM ordeignez eſt & eſtabliz qe toutz les briefs par les gardeins de le novell pont de Roucheſtre & lours ſucceſſours apurchacerz ou par autres encountry eux apurchacers ſoient maintenus & ſuſtenuz par la ley & combien qe les ditz gardeins ou aſcun de eux ſoit ou ſoient amovez ou expulſez de lour dit office ou devie ou deviont pendantz les ditz briefs nientmains meſmes les briefs eſtoient & ſoient bons & effectuelx en ley pur toutz jours.

Other Statutes made at Weſtminſter, Anno 9 HEN. V. *Stat.* 2. *and* Anno Dom. 1421.

Ex Rot. in Turr. Lond. *m.* 1.

A Parlement tenuz a Weſtm' le primer jour de Decembr' lan du regne del Roi HENRY quint puis le conqueſte noeviſme meſme noſtre Seignur le Roi del aſſent des Seignurs eſpirituelx & temporelx & a la requeſte des Communes dEngleterre aſſemblez en ceo meſme parlement ad fait certeins ordenances pur le commune bien & profit du Roialme en fourme qenſuit.

CAP. I.

EXP. A Confirmation of all Statutes made touching Money.

CAP. II.

EXP. All Men may reſort to the King's Exchanges, or to the *Tower*, to have Money new coined.

CAP. III.

EXP. At the King's Exchanges good Money ſhall be delivered to the Parties, or elſe he that doth receive it may refuſe it.

CAP. IV.

EXP. The Officers of the Exchanges ſhall bring to the *Tower* all the Gold or Silver which they buy or exchange.

CAP. V.

EXP. *Confirmed by* 2 *H.* 6. *c.* 6. The Mint ſhall be at *Calais*.

CAP. VI.

EXP. 3 Inſt. 92. The Allay and Weight of Money.

CAP. VII.

EXP. The Weight of Gold ſhall be ſent to every City.

CAP. VIII.

EXP. 34 E. 3. c. 5. Inquiry and Puniſhment of Falſities of Weights.

CAP. IX.

EXP. 11 H. 4. c. 8. 14 R. 2. c. 2. The Law of Exchange between the Merchants of *Rome* and thoſe of *England*.

CAP. X.

EXP. Collectors of Diſmes, &c. which be charged in Account for their Companions, ſhall have an Action of Debt againſt them.

CAP. XI.

PR. *See* 8 H. 6. c. 28. *for making a Bridge over the Water of* Burford. Certain Roads and Bridges about *Abingdon* ſhall be repaired.

Thus end the Statutes of King *HENRY* the Fifth.

Anno

Anno primo HENRICI VI.

Statutes made at Weſtminſter *in the Firſt Year of the Reign of King* HENRY VI. *and in the Year of our Lord* 1422.

Ex Rot. in Turr. Lond. *m.* 12.

AU parlement tenuz a Weſtm' le Lundy proſcheyn devant le feſt de Seint Martyn lan de regne du Roy HENRY ſiſme puis le conqueſt primer meſme le Roy de ladvis & aſſent des Seignurs eſpirituelx & temporelx & a les eſpecialx inſtance & requeſt des Communes dEngleterre eſteantz en meſme le parlement fiſt faire ordiner & eſtablire diverſes ordinances & eſtatutz en la fourme qenſuit.

"AT the Parliament holden at *Weſtminſter* the *Monday* next before the Feaſt of St. *Martin*, the firſt Year of the Reign of our Sovereign Lord King HENRY the Sixth; the ſame King, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Inſtance and Requeſt of the Commons of the Realm of *England*, being aſſembled in this preſent Parliament, hath cauſed to be ordained and eſtabliſhed divers Ordinances and Statutes in the Form following."

CAP. I.

The King's Council may aſſign Money to be coined in as many Places as they will.

EN primes ordeines eſt pur le profit du Roy & laiſe de ſon poeple qe les Seignurs de le counſell du Roy pur le temps eſteantz purront aſſigner par auctorite du dit parlement meſtres & operers a faire monoie dor & dargent & a tenir les eſchaunges de moneie ſibien en la citee dEverwik come en la ville de Briſtuit & auxi es tants des lieux come ſemblera as ditz Seignurs bone & neceſſarie ſolonc lour bons advis & diſcretions aſcun eſtatute ou ordinance fait au contrarie non obſtant.

"FIRST, It is ordained and eſtabliſhed, for the Profit of the King, and the Eaſe of his People, That the Lords of the King's Council for the Time being may aſſign, by Authority of the ſaid Parliament, Maſters and Workmen to make Money of Gold and Silver, to hold the Exchanges of Money as well in the City of *York* as in the Town of *Briſtol*, and alſo in as many Places as to the ſaid Lords ſhall ſeem neceſſary, according to their good Advice and Diſcretion, any Statute or Ordinance made to the contrary notwithſtanding."

CAP. II.

All the Statutes of Purveyors ſhall be proclaimed in every County four Times in the Year. OB. 12 Car. 2. c. 24.

CAP. III.

What Sort of *Iriſhmen* only may come to dwell in *England*. OB.

See 2 H. 6. c. 8. *obliging* Iriſhmen *to give Security for their good Abearing.*

CAP. IV.

The Maſter of the Mint ſhall ſend to the Mint to be coined all the Gold and Silver that ſhall come to his Hands by Exchange. EXP. 9 H. 5. c. 4. 2 H. 6. c. 12.

CAP. V.

A certain Allowance made to thoſe which were retained to ſerve King HEN. 5. in his Wars. Proviſion for the Redemption of the Jewels mortgaged by King HEN. 5. EXP.

CAP. VI.

The Stat. of 9 HEN. 5. *c.* 9. touching Security for Exchanges to be made by Merchants of the Court of *Rome*, revived, and continued till the next Parliament. EXP.

Statutes made at Weſtminſter, Anno 2 HEN. VI. *and* Anno Dom. 1423.

Ex Rot. in Turr. Lond. *m.* 12.

HENRICUS Dei gratia Rex Anglie & Francie & Dominus Hibernie vicecomiti Middleſexie ſalutem. Quedam ſtatuta & ordinationes in ultimo parliamento noſtro edita tibi mittimus in forma patenti mandantes quod ſtatuta & ordinationes illa in locis infra ballivam tuam ubi magis expediens fuerit publice ex parte noſtra proclamari & ea quantum in te eſt firmiter obſervari facias juxta tenorem eorundem.

T. meipſo apud Weſtm' primo die Julij anno regni noſtri ſecundo.

" AT the Parliament holden at *Weſtminſter* the " Twentieth Day of *October* in the Second " Year of the Reign of King HENRY the Sixth " after the Conqueſt, by the Advice and Aſſent of the " Lords Spiritual and Temporal, and at the ſpecial " Inſtance and Requeſt of the Commons of *England* " being in the ſame Parliament, certain Ordinances, " Declarations and Statutes were made and ſtabliſhed " to the Honour of GOD, and for the Wealth of " the King and of his Realm, in the Form following."

AU parlement tenuz a Weſtm' le xx^me^ jour dOctobr' lan du regne del Roy HENRY le ſiſme puis le conqueſt ſecond par avys & aſſent des Seignurs eſpirituelx & temporelx & a les eſpeciales inſtances & requeſt des communes dEngleterre en meſme le parlement eſteantz certeinz ordinances declarations & eſtatutz furent faitz & eſtabliez al honour de Dieu & pur le bien du Roy & de ſon dit Roialme en la forme enſuant.

CAP. I.

A Confirmation of the Liberties of the Church, and of all Perſons, Cities, &c.

' FIRST, That holy Church, and all the Lords ' Spiritual and Temporal, and all other the King's ' People, having Liberties and Franchiſes, and alſo ' all the Cities and Boroughs, ſhall have and enjoy all ' their Liberties and Franchiſes well uſed, and not re- ' pealed, nor by the Common Law repealable.'

ET primes qe ſeinte eſgliſe & toutz les Seignurs ſpirituelx & temporelx & toutz les autres lieges du Roy aiantz libertees & fraunchiſes & auxi toutz les citees & burghs aient & enjoient toutz lour libertees & fraunchiſes bien uſez & nient repellez ne par la commune ley repellablez.

CAP. II.

A Remedy for the Maſter, &c. of the Hoſpital of St. *Leonard* in *York*, to recover a Thrave of Corn due to them, &c.

The Hoſpital of St. *Leonard* in *York* was endowed of a Thrave of Corn of every Plough Earing within the Counties of *York*, *Cumberland*, *Weſtmorland*, and *Lancaſter*.

" ITEM, Whereas the Hoſpital of St. *Leonard* of " *York*, which is of the Foundation of the Proge- " nitors of our ſaid Lord the King, late Kings of " *England*, and of his Patronage, in the firſt Foun- " dation of the ſame, was endowed, by the ſaid Proge- " nitors of the King, of a Thrave of Corn to be taken " yearly of every Plough Earing within the Counties " of *York*, *Cumberland*, *Weſtmorland*, and *Lancaſter*, " within the County of *York*, of which Thraves the " Maſter and Brethren of the ſaid Hoſpital, and their " Predeceſſours have been ſeiſed, the Time whereof " runneth no Memory, as Parcel of the firſt Foun- " dation of the ſaid Hoſpital, and the ſame they have " levied and gathered at the Feaſt of St. *Martin* in " Winter every Year, till now late that divers People " of the ſaid Counties, within the Province aforeſaid, " have withholden the ſame Thraves, whereof the " ſaid Maſter and Brethren have no ſufficient nor co- " venable Remedy at the Common Law, to the great " Damage of the ſaid Hoſpital, and open Subtraction " of the Suſtenance of the ſaid Maſter and Brethren, " if Remedy be not for them provided, as Complaint " was thereof made in the ſaid Parliament:" ' The

The Remedy which the Maſters of St. *Leonard*'s Hoſpital ſhall have to recover their Duties.

' King conſidering the Premiſſes, of the Aſſent and ' Requeſt aforeſaid, hath ordained and ſtabliſhed, ' That the ſaid Maſter and Brethren, and their Suc- ' ceſſors for the Time being, may levy, gather, and ' take the ſaid Thraves within the Province aforeſaid, ' in the Places where they ought of Right, and were

ITEM come loſpitall de ſeint Leonard dEverwyk qi eſt de la fundation de les nobles progenitours noſtre dit Seignur le Roy jadis Roys dEngleterre & de ſon patronage en la primere fundation dicell eſtoit endowe par les ditz progenitours du Roy dun thrave des blees a prendre annuelment de cheſcun charue arant deinz les countees dEverwyk Cumberland Weſtmerl' & Lancaſtre deinz la province dEverwyk des quels thraves les maiſtre & frers du dit hoſpitall & lour predeceſſours ount eſte ſeiſez du temps dount memorie ne court come parcell de la primer fundation du dit hoſpitall & icelles ount pris levez & coillez al feſt de ſeint Martyn en yver cheſcun an tanqe ore tarde que diverſes gentz dez ditz countees deinz la province ſuiſdite meſmes les thraves ount detenuz dount les ditz maiſtre & frers nount remedie ſufficeant ne covenable a la commune ley a graunt anienteſiement du dit hopitall & overt ſubtraction del ſuſtenaunce des ditz maiſtre & frers ſi lour ne ſoit purveu de remedie come de ceo fuit compleint en le dit parlement le Roy conſidere les premiſſes del aſſent & requeſt avauntditz ad ordeinez & eſtabliez qe les ditz maiſtre & frers & lour ſucceſſours pur le temps eſteantz puiſſent lever coiller & prendre les ditz thraves deinz le province ſuiſdite en les lieux ou il devent de droi

& ſoloien

Ex Rot. in Turr. Lond.

& ſoloient ſolonc la cuſtume & uſage en meſmes lies lieux euz pardevant. Et auxi qe meſme le meiſtre & ſes ſucceſſours pur le temps eſteantz aient de temps en tems action par briefs ou pleintz de dette ou de detenu a lour pleſir envers toutz ceux & cheſcun de eux qi meſmes les thraves enſi de droit au dit hoſpitall duez detiegnent ou aſcun partie dicell pur recoverer devers eux & cheſcun deux les ditz thraves ovec lour damages enz cell partie.

Purveu toutz foitz qe les parties ovec queux les ditz meiſtre & frers ou lour predeceſſours ſont accordez pur tielx thraves par compoſitions entre eux faitz & enſealez ne ſoient chargez de pluis qe neſt compris en meſmes les compoſitions pur les poſſeſſions qe les ditz parties avoient al temps del feſance des compoſitions avauntditz.

'wont, after the Cuſtom and Uſage had in the ſame 'Places heretofore. And alſo that the ſame Maſ-'ters and Succeſſors for the Time being ſhall from 'Time to Time have Actions by Writs or Plaints of 'Debt or Detinue at their Pleaſure, againſt all them 'and every of them that detain the ſame Thraves ſo of 'Right due to the ſaid Hoſpital, or any Part of them, 'to recover the ſaid Thraves againſt them, and every 'of them, with their Damages in this Behalf.

'II. Provided always, That the Parties with whom 'the ſaid Maſter and Brethren, or their Predeceſſors, 'be accorded for ſuch Thraves by Compoſitions made 'and ſealed betwixt them, ſhall of no more be charged 'than is compriſed within the ſame Compoſitions, for 'the Poſſeſſions that the ſaid Parties had at the Time 'of the making of the aforeſaid Compoſitions.'

A Remedy for the Proprietors which have compounded with the Maſter and Brethren.

CAP. III.

John Duke of *Bedford*, being in the King's Service in *France*, ſhall be received to defend his Right by Attorney. EXP.

CAP. IV.

All Merchandiſes of the Staple paſſing out of *England*, *Wales*, and *Ireland*, ſhall be carried to *Calais*, ſo long as the Staple is at *Calais*. EXP.

[*In Turr.* Lond.]

CAP. V.

The Penalty if any carry Woolls or Fells not accuſtomed out of the Realm to any Place ſaving to *Calais*. EXP.

CAP. VI.

For what Cauſes only Gold or Silver may be carried out of the Realm.

ITEM come par le Roy Henry le quint pie a noſtre Seignur le Roy qoreſt eſtoit ordeignez qe un mynt dor & dargent ſerroit tenuz dedeins la ville de Caleys par la quell graunde ſubſtaunce de monoie dor & dargent ad eſte apportez deinz le Roialme la quelle monoie par diverſes perſones ad eſte & eſt de jour en autre aſportez hors dicell a Burdeaux & Flaundres & aillours encontre leſtatut fait & purveux celle partie daunciene temps come de ceo ad eſtee grovouſement compleint en ceſt parlement Ordinez eſt & aſſentuz qe meſme leſtatut ſoit tenuz & gardez & mys en due execution, Et en outre ordinez eſt & eſtablez qe null or ou argent ſoit aſportez hors du Roialme au contrarie du dit eſtatut ſil ne ſoit pur paiement des guerres & ſoudiours du Roy de pardela ſur paine de forfaiture de la value de la ſomme del monoie qenſi ſoit apportez hors de Roialme deſtre levee de celuy qi la meſnera aſportera ou envoiera hors dicell & qe celluy qi leſpiera & ferra ent notice au conſeill ou au Treſorer dEngleterre avera la quart partie de la forfaiture enſy duez au Roy forſpris les raunceons pur finaunce des priſoners Englois priſez & apprendres de pardela & la monoie qe les ſoudeours emporteront ovec eux pur lour reſonables coſtages & auxi pur chivalx boefs berbeis & autres choſes acchatez en Eſcoce apporterez ou ameſnerez as parties adjoinantz iſſint qe la monoie a envoier pur finance des ditz priſoners ou a empor-

"ITEM, Whereas by King Henry the Fifth, Fa-"ther to our Lord the King that now is, it was or-"dained, That a Mint of Gold and Silver ſhould be "holden within the Town of *Calais*, whereby great "Subſtance of Money of Gold and Silver hath been "brought within the Realm, which Money by di-"vers Perſons hath been, and is daily, carried out of "the ſame to *Burdeaux*, *Flanders*, and other Places "againſt the Statute in old Times made and provided "in this Behalf, as hath been grievouſly complained "in this Parliament;" 'it is ordained and aſſented, 'That the ſame Statute be holden and kept, and put 'in due Execution. And moreover it is ordained 'and eſtabliſhed, That no Gold nor Silver ſhall be 'carried out of the Realm contrary to the ſaid Statute, 'unleſs it be for Payment of Wars, and the King's 'Soldiers beyond the Sea, upon Pain of Forfeiture of 'the Value of the Sum of Money ſo carried out of the 'Realm, to be levied of him that ſhall bring, carry, 'or ſend it out of the ſame Realm: and that he 'which eſpieth it, and thereof giveth Knowledge to 'the Council, or to the Treaſurer of *England*, ſhall 'have the fourth Part of the Forfeiture ſo due to the 'King, except the Ranſoms for Fines of *Engliſh* 'Priſoners taken and to be taken beyond the Sea, and 'the Money that the Soldiers ſhall carry with them 'for their reaſonable Coſts, and alſo for Horſes, 'Oxen, Sheep, and other Things bought in *Scotland*, 'to be ſent and carried to the Parties adjoining; 'ſo that the Money to be ſent for the Fines of the 'ſaid

A Confirmation of the Statute of 9 H. 5. c. 6. that the Mint ſhall be at *Calais*. EXP.

No Gold or Silver ſhall be carried forth of the Realm, but for the Cauſes herein excepted. 9 Ed. 3. ſtat. 2. c. 1. 5 R. 2. ſtat. 1. c. 2. 2 H. 4. c. 5. 4 H. 4. c. 15 & 16. 5 H. 4. c. 9. 17 Ed. 4. c. 1.

Ex Rot. in Turr. Lond.

'ſaid Priſoners, or to be carried by the ſaid Soldiers 'to the Parties beyond the Sea, be not done without 'the King's ſpecial Licence. And becauſe it is 'ſuppoſed that the Money of Gold of the Realm is 'carried out of the ſame by Merchants Aliens, it is 'ordained and ſtabliſhed, That the Merchants Aliens 'ſhall find Surety in the Chancery, every Company 'for them of their Company, that none of them ſhall 'carry out of the Realm any Gold or Silver againſt 'the Form of the ſaid Statute, upon Pain of Forfei-'ture of the ſame Gold or Silver, or the Value of the 'ſame; and if any of them do to the contrary, and 'that duly proved, and he ſo doing be gone over the 'Sea, then the Pledges of his Company ſhall pay to 'the King the ſaid Forfeiture, whereof he that ſhall 'eſpy it, and thereof give Notice to the Treaſurer, or 'to the King's Council, ſhall have the fourth Part, as 'is aforeſaid.'

Merchants Aliens ſhall be bound to carry no Gold out of the Realm.

See farther Index, tit. Gold *and* Silver.

ter par les ditz ſoudeours as parties de pardela ne ſoit fait ſanz eſpeciale licence du Roy. Et pur ceo qil eſt ſuppoſez qe la monoie & lor du Roialme eſt aſportez hors dicell par marchauntz aliens ordeinez eſt & eſtabliz qe les merchantz aliens trovent ſeurtee en la Chauncerie cheſcune compaignie pur ceux de ſa compaigne qe null deux nameſnera hors du Roialme null or nargent contre la forme du dit eſtatut ſur la peine de forfaiture dicell or ou argent ou de la value dicell & ſi aſcun de eux face la contrarie & ceo duement provez & celuy enſy feſaunt ſoit alez outre le meer adonqes les plegges de la compaigne paierount au Roy la forfaiture ſuiſdite donſ celly qi lavera eſpiez & le done a conuſtre au Treſorer ou a conſeill du Roy avera la quart partie come deſuis.

CAP. VII.

Rep. 5 El. c. 8. & 1 Jac. 1. c. 22.

The Penalty of a Cordwayner uſing the Myſtery of a Tanner.

CAP. VIII.

O B. 1 H. 6. c. 3.

Iriſhmen reſorting into the Realm, ſhall put in Surety for their good abearing.

CAP. IX.

O B. 3 Inſt. 92. 3 H. 5. c. 1.

The Money called *Blanks* ſhall be wholly put out.

E X P.

A Penalty on deceitful Workers of Gold and Silver Embroidery.

E X P.

Concerning the Reverſal of Outlawries pronounced againſt Perſons whilſt abroad in the King's Service.

E X P.

The Juſtices ſhall inquire into and remove certain Nuſances on the *Thames*.

CAP. X.

What Manner of inferior Officers ſhall be appointed in the King's Courts.

'ITEM, To the Intent that better and more ſure 'Government be had within the Courts of our Lord 'the King, for his Profit, and Eaſe of his People, 'which have to purſue and to do in the ſame; it is 'ordained and ſtabliſhed, That all the Officers made 'by the King's Letters Patents Royal within the ſaid 'Courts, which have Power and Authority, by virtue 'of their Offices of old Times accuſtomed, to appoint 'Clerks and Miniſters within the ſame Courts, ſhall 'be charged and ſworn to appoint ſuch Clerks and Mi-'niſters, for whom they will anſwer at their Peril, 'which be ſufficient, faithful, and attending to that 'which pertaineth to them in Performance of the Bu-'ſineſs, as well of the King as of his People.'

4 Inſt. 324.

ITEM al entent qe le pluis bone & ſeure governaunce ſoit euz dedeins les courtes noſtre Seignur le Roy a ſon profit & al eaſe de ſon poeple qont a purſuer & affaire en ycelles Ordeinez eſt & eſtabliz qe toutz les officers faitz par lettres patentz roialx deins les ditz courtes qont poiar & auctorite par vertue de lour office dauncien temps accuſtumes de faire clercs & miniſtres deins meſmes les courtes ſoient chargez & jurrez de faire tielx clercs & miniſtres pur quels ils voillent reſpoundre a lour perill qi ſoient ſufficeantz foialx & entendantz a ceo qe a eux appertient au eſploit ſibien de les boſoignes du Roy come de ſon poeple.

CAP. XI.

The ſeveral Meaſures of Veſſels of Wine, Eels, Herrings, and Salmon.

27 *Ed.* 3. *ſtat.* 1. *c.* 8. 31 *Ed.* 3. *ſtat.* 1. *c.* 5. 4 *R.* 2. *c.* 1.

"ITEM, Whereas in old Time it was ordained "and lawfully uſed, That Tuns, Pipes, Tertians, "Hogſheads of *Gaſcoign* Wine, Barrels of Herring and "of Eels, and Butts of Salmon, coming by way of "Merchandiſe into this Land out of ſtrange Countries, "and alſo made in the ſame Land, ſhould be of cer-"tain Meaſure; that is to ſay, The Tun of Wine CC

ITEM combien qen auncien temps fuiſt ordeinez & loialment uſez qe toneux pipes tercians hoggeſhedes de vyn de Gaſcoigne barrelles de harank & danguilles & buttes de ſamon veignant par voie de merchandiſe en ceſt terre hors des eſtraunges pais & auxi faitz en meſme la terre ſerroient de certein meſure ceſtaſſavoir le tonell de vyn de $\frac{xx}{xij}$ & xi galons

Ex Rot. in Turr. Lond.

xi galons le pipe de $\frac{xx}{vi}$ & vi galons la tercian de $\frac{xx}{iiij}$ & iiii galons le hoggeſhede de lxiii galons le barell de harank & danguilles de xxx galons pleinement pakkez le butte de ſamon de $\frac{xx}{iiij}$ & iiij galons pleinement pakkez nientlemains par ymagination & ſubtilite ount jatard eſtee faitz tieux veſſeux de pluis petite meſure a graunde perde & deſceit au Roy & de ſon poeple dount en ceſte parlement fuiſt priez eſpecialment de remedie Si eſt ordeinez & eſtablez qe null homme apres le fyn de xii moys le feſt de Paſque proſchein avenir proſcheinement enſuantz apporte en le royalme dEngleterre de qel paiis qe ceo ſoit ne face deins meſme le royalme tonell de vyn ſil ne conteigne del meſure dEngleterre $\frac{xx}{xij}$ & xij galons le pipe $\frac{xx}{vj}$, vj galons & enſy ſolonc lafferaunt le tercian & le hoggeſhede de vyn de Gaſcoigne ſur peine de forfaiture de meſme le vyn ne barrell de harrank ne danguilles ſils ne conteignent xxx galons pleinement pakkez ne butte de ſalmon ſil ne conteigne $\frac{xx}{iiij}$ & iiij galons pleinement pakkez ne kynderkyns tercians & ferdekyngs de harank ne danguilles ne de ſamon forſqe ſolonc lafferaunt pleinement pakkez puis le feſt de Nativitee de Seint Johan le Baptiſtre proſchein avenir ſur peyne de forfaiture de les harank anguilles & ſamon avauntditz enſy apportez ou faitz au contrarie de ceſt ordinaunce en quell citee burgh & ville du royalme ou en aſcune partie dEngleterre qe tieux defautez ſoient trovez au Seignur de meſme la ville & qe celluy qi voet ſurer & prover les ditz defautz avera la quart partie de meſme la forfaiture. Et qe les juſtices du pees en toutz les countees dEngleterre mairs & baillifs aiantz poair denquerer de peax enquergeroient & terminent toutz iceux defautz. Et qe ceſt ordeignaunce ſoi extende & eit force ſibien dedeins le countee de Ceſtre come aillours.

" lii. Gallons, the Pipe C xxvi. Gallons, the Tertian " lxxxiv. Gallons, the Hogſhead lxiii. Gallons, the " Barrel of Herring and of Eels xxx. Gallons fully " packed, the Butt of Salmon lxxxiv. Gallons fully " packed; nevertheleſs, by Device and Subtilty now " late ſuch Veſſels have been of much leſs Meaſure, to " the great Deceit and Loſs of the King and of his " People, whereof ſpecial Remedy was prayed in the " Parliament;" ' it is ordained and ſtabliſhed, ' That no Man, after the End of Twelve Months ' from the Feaſt of *Eaſter* next coming, ſhall bring ' into the Realm of *England*, from what County ſo- ' ever it be, nor make within the ſame Realm, a Tun ' of Wine, except it contain of the *Engliſh* Meaſure ' CC lii. Gallons, the Pipe C xxvi. Gallons, and ſo ' after the Rate the Tertian and the Hogſhead of *Gaſ- ' coign* Wine, upon Pain of Forfeiture of the ſame Wine; ' nor Barrel of Herring, nor of Eels, unleſs they ' contain xxx. Gallons fully packed; nor Butt of Sal- ' mon, unleſs it contain lxxxiv. Gallons fully packed; ' nor Kinderkins, Tertians, and Firkins of Herring, ' nor of Eels, nor of Salmon, but after the Rate fully ' packed, after the Feaſt of the Nativity of St. *John* the ' *Baptiſt* next coming, upon Pain of Forfeiture of the ' ſaid Herring, Eels, and Salmon, ſo brought or made ' contrary to this Ordinance, in what City, Borough, ' and Town of the Realm, or in any Part of *England*, ' that ſuch Defaults be found, to the Lord of the ſame ' Town; and that he which will ſue and prove the ' ſaid Defaults, ſhall have the fourth Part of the ſame ' Forfeiture. And the Juſtices of Peace in all the ' Counties of *England*, and Mayors and Bailiffs, having ' Power to inquire of the Peace, ſhall inquire, hear, ' and determine all the ſame Defaults. And that ' this Ordinance extend and have Strength, as well ' within the County of *Cheſter*, as elſewhere.' *See* 18 H. 6. c. 17. 1 R. 3. c. 13.

28 H. 8. c. 14. *concerning gauging of Veſſels of Wine*, &c.

CAP. XII.

The Office and Duty of the King's Aſſayer, Controllor, and Maſter of the Mint.

ITEM a lentent qe le pluis greindre bullion puiſſe eſtre apporte a le mynte & le grendre plente de blank Money eſtre faitz & current deinz le Roialme pur le aiſe & profit du communalte dicelle ordeinez eſt & eſtabliz qe le maiſtre del mynt garde ſon allaie en la feſance de la blank monoie ſolonc la forme de ſa endenture & qe meſme le meiſter reſceive de cheſcun homme qi portera aſcun argent a la mynt meſme largent a la verroie value come il vault ſolonc meſme lallaie ſur peine de paier le double damage a partie. Et auxi al entent qe ceſt ordeignance puiſſe le meulx & pluis jouſtement eſtre gardez ordeinez eſt qe laſſaiour du Roy qi eſt perſone indifferent parentre le maiſtre del mynt & le merchant & auxi le countrollour del mynt ſoient preſentez qant aſcun tiele bullion dargent ſoit porte a le mynte a lentent qe le dit aſſaiour puis droitement mettre le value dicell ſolonc lallaie en cas del variaunce parentre le maiſtre & le merchant & le countrollour a countrouller ſibien largent qeſt apportez en la dit mynt come aſportez hors dicell cheſcun deux jurrez de fair foialment & endeffe-

' ITEM, To the Intent that the more Bullion may ' be brought to the Mint, and the greater Plenty ' of white Money be made and current within the ' Realm, for the Eaſe and Profit of the Commonalty of ' the ſame, it is ordained and ſtabliſhed, That the Ma- ' ſter of the Mint ſhall keep his Allay in the making ' of white Money according to the Form of his Inden- ' ture; and that the ſame Maſter receive of every ' Perſon, that ſhall bring any Silver to the Mint, the ' ſame Money at the true Value as it is worth accord- ' ing to the ſame Allay, upon Pain to pay to the Party ' his double Damages. And alſo to the Intent that ' this Ordinance may the better and more juſtly be ' obſerved, it is ordained, That the King's Aſſayer, ' which is a Perſon indifferent betwixt the Maſter of ' the Mint and the Merchant, and alſo the Controll- ' ler of the Mint, ſhall be preſent when any ſuch ' Bullion of Silver is brought to the Mint, to the In- ' tent that the ſaid Aſſayer may rightfully ſet the Va- ' lue of the ſame according to the Allay, in caſe of ' Variance betwixt the Maſter and the Merchant; ' and the Controller to controul as well Silver that is ' brought to the ſaid Mint, as carried out of the ſame, ' each of them being ſworn faithfully and indiffe-

The Maſter of the Mint ſhall keep his Allay in making of white Money.

The Office and Duty of the King's Aſſayer of the Mint.

rently

'rently to do their Duty, without taking any Reward 'other than the Fee which they ſhall take of the 'King, upon Pain to yield double Damages, as afore 'is ſaid; and that the Aſſayer and Controller be cre- 'dible, ſubſtantial, and expert Men, having perfect 'Knowledge in the Myſtery of Goldſmiths, and of 'the Mint. And alſo that neither the Maſter of the 'Mint, nor the Exchanger for the Time being, ſell, 'nor cauſe to be ſold, nor aliene to any other Uſe but 'to the Coin, no Manner of Gold nor of Silver 'wrought or unwrought, coined or not coined, or 'Bullion which is brought to the Mint, or to the 'Exchange, but apply the ſame only to the Money, 'according to the Form of the ſaid Indenture, upon 'the Pain contained in the ſame Indenture. And 'that the ſame Maſter of the Mint cauſe to be 'ſtricken, from Time to Time, Half-Nobles, Farthings 'of Gold, Groats, Half-Groats, Pence, Half-Pence, 'and Farthings, for the Eaſe of the People, according 'to the Tenor of the Indenture made betwixt the 'King and him, upon the Pain contained in the ſame, 'ſo that the common People may have Recourſe to 'the Exchange for ſmall Gold and white Money, as 'they reaſonably ſhall need.'

The Office of the Controller of the Mint. The Maſter of the Mint ſhall convert into Coin all the Gold and Silver which he ſhall receive. The Maſter of the Mint ſhall make ſmall Money.

Ex Rot. in Turr. Lond.

rentment lour devoir ſanz aſcun regarde prendre autre qe le fee qils preignont du Roy ſur la peine de paier double damage com deſuis & qe ceux aſſaiour & countroullour ſoientz notoier ſcience en le miſter dorfeour & de mynt. Et auxi qe le maiſtre del mynt ne le chaungeor pur le temps eſteant vende ne face vendre ne aliene a null autre oeps forſqe a le coigne null manere dor ne dargent overe ou nient overe coigne ou nient coignee ou bullion qeſt portez a la mynt ou a leſchaunge mes icell applie toutſoulment a la monoie ſolonc la fourme de lendenture avantdite ſur la peine contenuz en meſme lendenture. Et qe meſme le maiſtre del mynt face ferire de temps en temps demy nobles ferlynges dor groſſes demy groſſes deniers males & ferlinges pur le aiſe du poeple ſolonc le tenour del dite endenture fait parentre le Roy & luy ſur la peine contenuz en ycell iſſint qe le commune poeple puis avoir recours a leſchaunge pur petit or & blanke monoie come ils reſonablement boſoigneront.

CAP. XIII.

Rep. 21 Jac. 1. c. 28.

The Price of a Pound of Silver in Plate, Piece, or Maſs.

CAP. XIV.

The Fineneſs of Harneſs of Silver, and the Marks with which it ſhall be marked.

None ſhall ſell any Work of Silver unleſs it be as fine as the Sterling;

nor until it be touched, and marked with the Goldſmith's known Mark.

'ITEM, That no Goldſmith, nor Worker of Silver within the City of *London*, ſell any Workmanſhip of Silver, unleſs it be as fine as the Sterling, except the ſame need Souder in the making which ſhall be allowed according as the Souder is neceſſary to be wrought in the ſame. And that no Goldſmith nor Jeweller, nor any other that worketh Harneſs of Silver, ſhall ſet any of the ſame to ſell within the City, before that it be touched with the Touch [*of the Leopard's Head, if it may reaſonably bear the ſame Touch**] and alſo with the Mark or Sign of the Workman of the ſame, upon Pain of Forfeiture of the Double, as afore is ſaid; and that the Mark and Sign of every Goldſmith be known to the Wardens of the ſame Craft. And if it may be found, that the ſaid Keeper of the Touch, touch any ſuch Harneſs with the Leopard's Head, except it be as Fine in Allay as the Sterling, that then the Keeper of the Touch, for every Thing ſo proved not as good in Allay as the ſaid Sterling, ſhall forfeit the double Value to the King and to the Party, as is above recited. And alſo it is likewiſe ordained in the City of *York*, *Newcaſtle* upon *Tine*, *Lincoln*, *Norwich*, *Briſtow*, *Saliſbury*, and *Coventry*, that every one ſhall have divers Touches, according to the Ordinance of the Mayors, Bailiffs, or Governors of the ſame Towns; and that no Goldſmith, nor other Workers of Silver, nor Keeper of the ſaid Touches within the ſame Towns, ſhall ſet to Sale, or touch any Silver in other Manner than is ordained before within

The Penalty on the Keeper of the Touch, who toucheth any Veſſel not ſufficient in Allay.

Several Cities and Towns ſhall have ſeveral Touches.

ITEM qe null orfeour ne overour dargent deinz la Citee de Loundres vende null overaigne dargent ſil ne ſoit auxi fyne come le ſterlyng forſpris ceo qe boſoigne ſoudure en la feſance le quell ſoit alowe ſolonc ceo qe la ſoudour ſoit neceſſarie pur eſtre overee en ycell. Et qe null orfeour ne juellour nautre homme qe oepere harneis dargent mette null dicell a vendre deinz la dite Citee devant ceo qe ſoit touchee ovec le touche del teaſt de libarde ceo qe puiſe reſonablement porter meſme le touche & auxi ove un marque ou ſigne del overour dicell ſur peine de la forfaiture de la double come deſuis eſt dit & qe le marque ou ſigne de cheſcun orfeour ſoit conuz a les gardeins de meſme le miſter. Et ſil poet eſtre trove qe le dit gardein de la touche ſuiſdite touche aſcun del hernoys ovek le teſt del libard ſil ne ſoit auxi fyne en aillaie come leſterlyng qe adonqes le dit gardein de le touche pur cheſcune choſe enſy prove nient ſi bon en alaye come le dit eſterlyng forface la double value au Roy & a la partie come il eſt ycy deſuis recite. Et auxi ſemblablement eſt ordeine en la citee dEverwyk Novell Chaſtell ſur Tyne Lincoln Norwice Briſtowe Saleſbury & Coventre qe cheſcun ait diverſes touches ſolonc lordinance des mairs baillifs ou governours de meſmes les villes & qe null orfeour nautres overours dargent ne gardeyn des ditz touches dedeins ycelles villes mette a vente ne touche null argent en autre manere qe neſt ordeine parde-

* *Theſe Words in the* Italick *Letter have been omitted in former Editions.*

vant

Ex Rot. in Turr. Lond.

vant deinz la Citee de Loundres ſur peine del forfaiture avantdit. Et enoutre qe null orfeour nautre overour dargent deinz le Roialme dEngleterre ou null touche eſt ordine come deſuis eſt dit overee null argent ſil ne ſoit auxi fyn en alaie come leſterlyng. Et qe lorfeour ou loverour dicell argent mette ſur ycell ſon marque ou ſigne devant ceo qe le mette a la vent & ſil ſoit trove qe ne ſoit auxi fine come leſterling qadonqes le overour dicell forface le double value en manere & forme come il eſt devant recitez deinz le Citee de Loundrez. Et qe les juſtices de la pees mairs & baillifs & toutz autres aiantz poair come juſtices de pees eient enquergent & determinent par bille pleint ou en autre manere de toutz ceux qi facent le contrair de meſmes les ordinances & ent facent due execution ſolonc lour diſcretions. Purveux toutz foitz qe ſi le maiſtre del mynt qore eſt ou quy pur le temps ſerra offende ou ad offenduz en ſon office du dit mynte qadonqs ſoit il correcte & juſtifie ſolonc la forme de les endentures avauntditz.

'the City of *London*, upon Pain of the ſaid Forfeiture. And moreover that no Goldſmith, or other Worker of Silver within the Realm of *England*, where no Touch is ordained as afore is ſaid, ſhall work any Silver, except it be as fine in Allay as the Sterling, and that the Goldſmith or Worker of the ſame Silver ſet upon the ſame his Mark or Sign before he ſet it to Sale; and if it be found, that it is not as fine as the Sterling, that then the Worker of the ſame ſhall forfeit the double Value, in Manner and Form as before is recited within the City of *London*. And the Juſtices of Peace, Mayors and Bailifs, and all other having Power as Juſtices of Peace, ſhall hear, inquire, and determine, by Bill, Plaint, or in other Manner, of all that do contrary to the ſaid Ordinances, and thereof to make due Execution by their Diſcretions. Provided always, That if the Maſter of the Mint which now is, or which for the Time ſhall be, offend, or have offended in his Office of the ſaid Mint, that then he be puniſhed and juſtified according to the Form of the ſaid Indentures.'

Juſtices of the Peace, Mayors, &c. may inquire of, hear, and determine the Offences aforeſaid.

28 Ed. 1. ſtat. 3. c. 20. *Enforced by* 37 *Ed.* 3. *c.* 7. 17 Ed. 4. c. 1. 18 El. c. 15. *Farther provided for by* 12 & 13 *W.* 3. *c.* 4. 1 *Ann. ſtat.* 1. *c.* 9. 10 *Ann. c.* 26. 6 *Geo.* 1. *c.* 11. 12 *Geo.* 2. *c.* 26. *and* 15 *Geo.* 2. *c.* 20. *ſec.* 8.

Juſtices may puniſh Servants, Maſons, Carpenters, &c. for taking unreaſonable Wages. EXP.

CAP. XV.

No Man ſhall faſten Nets to any thing over Rivers.

ITEM ordeignez eſt & eſtabliz qe le ſtation des reis & engines appellez trynkes & de toutz autres maners reis qi ſont & ſoloient eſtre fichez & attachez continuelment de noet & jour par certein temps del an as grauntz poſtes batels & anchres au travers la rivere de Thamiſe & autres rivers du Roialme quele ſtation eſt cauſe & occaſion del auxi graund & pluis-deſtruction del brode & frie de peſſon & deſtourbance del commune paſſage del veſſeulx come ſont les weres kydelx ou nulles autres engines ſoit tout outrement defenduz pur tout temps avenir & qe cheſcun qi les mette ou fiche deſorenavant as tielx poſtes batelx & anchres ou choſe ſemblable pur continuelment eſtoiſer come dit eſt & ent ſoit duement & par cours de ley convictz ſorface au Roy Cs. a cheſcun temps qil eſt enſi provee en defaut. Purvieux toutſoitz qe bien liſe as poſſeſſours des ditz trynkes ſils ſoient daſſiſe peſchier ovec eux en tout temps ſeiſonable les entraihantz & conveiantz par main come autres peſchours ſont ove autres reis & non fichantz & attachantz les ditz reyes as poſts batelx & anchres pur continuelment eſtoiſer come dit eſt Salvant toutſoitz a cheſcun liege du Roy lour droit title & enheritaunce en lour peſcheries en la ewe avauntdit.

'ITEM it is ordained, That the ſtanding of Nets and Engines called *Trinks*, and all other Nets, which be and were wont to be faſtened and hanged continually Day and Night, by a certain Time in the Year, to great Poſts, Boats, and Anchors, overthwart the River of *Thames*, and other Rivers of the Realm, which Standing is a Cauſe of as great and more Deſtruction of the Brood and Fry of Fiſh, and Diſturuance of the common Paſſage of Veſſels, as be the Wears, Kydels, or any other Engines, be wholly defended for ever; and that every Perſon that ſetteth or faſteneth them hereafter to ſuch Poſts, Boats, and Anchors, or like Thing, continually to ſtand as afore is ſaid, and be duly thereof by the Courſe of the Law convict, ſhall forfeit to the King Cs. at every Time that he is ſo proved in Default. Provided always, That it ſhall be lawful to the Poſſeſſors of the ſaid Trinks, if they be of Aſſiſe, to fiſh with them in all ſeaſonable Times, drawing and pulling them by hand, as other Fiſhers do with other Nets, and not faſtening or tacking the ſaid Nets to Poſts, Boats, and Anchors, continually to ſtand as afore is ſaid; ſaving always to every of the King's liege People, their Right, Title, and Inheritance in their Fiſhings in the ſaid Water.'

The Penalty of thoſe which do faſten Trinks or other Nets over any River.

In what Sort Owners of Trinks may fiſh with them.

CAP. XVI.

Perſons in the Reverſion may ſue for their Right to Eſtates, notwithſtanding any Defaults committed by the former Poſſeſſors. EXP.

CAP. XVII.

Perſons indicted of High Treaſon eſcaping out of Priſon ſhall be adjudged Traitors. EXP.

Statutes

Statutes made at Weſtminſter, Anno 3 HEN. VI. *and* Anno Dom. 1424.

Ex Rot. in Turr. Lond. *m.* 9.

"OUR Lord the King, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Requeſt of the Commons, aſſembled in this Parliament holden at *Weſtminſter* the laſt Day of *April*, the Third Year of his Reign, hath ordained and eſtabliſhed certain Ordinances and Statutes to the Honour of GOD, and for the Weal of his Realm, in the Form following."

NOSTRE Seignur le Roy par advys & aſſent des Seignurs eſpirituelx & temporelx & a leſpecial requeſt des Communes en ceſte parlement tenuz a Weſtm' le darrein jour dAverill lan de ſon regne tierce ad ordinez & eſtabliz certeins ordinances & eſtatuts a lonour de Dieu & pur le bien de ſon Roialme en la fourme enſuant.

CAP. I.

Maſons ſhall not confederate themſelves in Chapiters and Aſſemblies.

© B.
3 Inſt. 99.

CAP. II.

Sheep ſhall not be tranſported beyond Sea without the King's Licence.

By 8 El. c. 3. *made Felony.*

"ITEM, Becauſe that divers Perſons do from Time to Time carry out of the Realm great Number of Sheep with Fleeces into *Flanders*, and other Countries beyond the Sea, and there they ſhear them, and ſell as well the ſame Sheep, as the Woolls of the ſame, to Men of the ſame Country, ſo that by ſuch Perſons the Sheep within the ſaid Country of *Flanders*, and other Parts, in ſhort Time be likely to be much increaſed, to the great Deceit, Loſs, and Damage of our Lord the King, of his Cuſtoms and Subſidies of the ſaid Woolls, and alſo to the great Hindrance of all the Realm, and Diminution and Abatement of the Price of Woolls, as well at the Staple at *Calais*, as here in *England*, unleſs Remedy be provided in this Behalf;" 'our ſaid Lord the King, conſidering the Premiſſes, by the Advice and Aſſent, and at the Requeſt aforeſaid, hath ordained and granted by the Authority of the ſaid Parliament, That no Manner of Perſon, of what Eſtate or Condition that he be, hereafter be ſuffered to ſhip or cauſe to be ſhipped within the Realm of *England* any Sheep, fleeced or ſhorn, into the ſaid Country of *Flanders*, or to any other Parts beyond the Sea, except it be to victual the Town of *Calice* and the Marches thereof. And that every Man that may be eſpied, which under the Colour of victualling of the ſame Town and Marches of *Calice*, paſſeth into any other Places, than to the ſame Town and Marches, with any Sheep fleeced or ſhorn (except he have the King's Licence) ſhall forfeit to the King the ſame Sheep, or the Value thereof, as oftentimes as he ſhall be found in Default.'

See 25 H. 8. c. 13. *what Number of Sheep any Perſon may keep. And ſee Index, tit.* Sheep.

ITEM pur ceo qe pluſours diverſes perſones ameſnent hors du Roialme de temps en temps grande nombre des berbees lanutz en Flaundres & autres paiis de pardela le meer & la ils ſount eux tonder & vendent ſibien meſmes les berbees come les laines dicelles as hommes de meſme la paiis Iſſint qe par tielx perſones les berbees deinz meſme la paiis de Flaundres & autres parties deins brief temps ſont veraiſemblablez deſtre grandement encrecez & multipliez a treſgrande deceit perde & damage noſtre dit Seignur le Roy de ſes cuſtumes & ſubſidies des ditz laines & auxi grande arreriſſement de tout le Roialme & amenuſment & depreſſion de la price des lains ſibien a leſtaple de Caleis come cy en Engleterre ſil ne ſoit purveu de remedie celle partie noſtre dit Seignur conſiderant les premiſſes de ladvis aſſent & requeſt ſuiſditz ad ordinez & grantez par auctorite du dit parlement qe null maner de perſone de quele eſtat ou condition qil ſoit de cy enavaunt ſoit ſuffrez deſkipper ou faire eſkipper deinz le Roialme aſcunes berbees lanutz ou tonduz en la dite paiis de Flaundres ou autres parties de pardela le meer ſil ne ſoit pur la vitailler de la ville de Caleys & les marches dicelles. Et qe cheſcun nomme qe poet eſtre eſpiez qe ſoubz colour de vitailler du dite ville ou marches de Caleys qil paſſe a aſcun autre lieu qe a meſmes les ville & marches oveſqe aſcuns berbees lanuz ou tonduz ſil ne ait licence roialle qil forface au Roy meſmes les berbees ou le value dicelles ſi ſovent defoitz come il ſoit trove defectif.

CAP. III.

The Penalty of a Cuſtomer, &c. concealing the King's Cuſtom.

'ITEM it is ordained and eſtabliſhed, That if any Cuſtomer, Collector, or Controller of the King's Cuſtoms of Cockets of Cloths, of Subſidies of Tunnage or Poundage, in any Port or Place of *England*, be duly attainted or convict at

ITEM ordinez eſt & eſtabliz qe ſit aſcune cuſtumer collectour ou countrollour des cuſtumes du Roi de cokettes de draps del ſubſidies del tonage ou pondage en aſcun port ou lieu dEngleterre ſoit duement & loialment atteinte ou convictz al ſuyte du

Ex Rot. in Turr. Lond.

du Roy ou al ſuyte daſcune autre perſone pur lavauntage du Roy de faux concealment de cuſtume ou ſubſidie due Roy duement entre & paie par aſcune merchant qadonqes le dit cuſtumer collectour ou countrollour enſi duement atteint & convict par la ley perde & forface au Roi le treble value des merchandiſes enſi duement cuſtumez & face fyn & raunceon. Et ſi aſcun homme le voet ſuer ait le tierce partie pur ſon labour.

'the King's Suit, or at the Suit of any other Perſon 'for the King's Advantage, of falſe concealing of 'the King's Cuſtom or Subſidy duly entered and 'paid by any Merchant, that then the ſaid Cuſtomer, 'Collector, or Controller ſo duly attainted or convict 'by the Law, ſhall loſe and forfeit to the King the 'treble Value of the Merchandiſes ſo duly cuſtomed, 'and make Fine and Ranſom. And he that will ſue, 'ſhall have the Third Part for his Labour.'

14 *R.* 2. *c.* 10. 17 *R.* 2. *c.* 5. 1 *H.* 4. *c.* 13. Dyer 238. 4 H. 4. c. 20.

13 *H.* 4. *c.* 5. *See* 31 *H.* 6. *c.* 5. 1 El. c. 11. ſ. 7. 18 El. c. 9. *which put Cuſtomers,* &c. *under farther Reſtrictions.*

CAP. IV.

Licence may be granted to convey Butter and Cheeſe to any Place.

O B. Altered by 18 Car. 2. c. 26.

H. 6. c. 3. *And ſee* 1 & 2 Ph. & M. c. 5. 13 & 14

CAP. V.

Commiſſions may be awarded to certain Perſons, to reform the River *Ley*, running from *Ware* to *Thames*.

PR. 9 H. 6. c. 9. 13 Eliz. c. 18. for three Years.

Stat. 9 H. 6. c. 9. is to the ſame Purpoſe, and to continue

Statutes made at Leiceſter, Anno 4 HEN. VI. *and* Anno Dom. 1425.

Ex Rot. in Turr. Lond. *m.* 9.

CEUX ſont les eſtatuts & ordinances faitz par noſtre treſoverian Seignur le Roi par advis & aſſent des Seignurs eſpirituelx & temporelx & a la eſpeciale requeſt des Communes de ſon Roialme en ſon parlement tenuz a Leyceſtr' le xviij^e^ jour de Feverer lan de ſon regne quart eſteantz a lonour de Dieu & pur le bien eaſe & profit de ſon Roialme.

"THESE be the Ordinances and Statutes made by our Sovereign Lord the King, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Requeſt of the Commons of his Realm, in his Parliament holden at *Leiceſter*, the Eighteenth Day of *February*, the Fourth Year of his Reign being, to the Honour of God, and for the Weal, Profit, and Eaſe of his Realm."

CAP. I.

Every Sheriff ſhall return ſuch Writs as be directed to him at ſuch Days as they be returnable, and ſhall warn thoſe Jurors which be impanelled.

EXP.

CAP. II.

A Rehearſal and Confirmation of the Statute of 9 HENRY 5. *cap.* 3. touching Protections granted to thoſe who were in the Wars in *Normandy* or *France*.

This follows Cap. V. *upon the Roll.*

EXP. *See* 14 *Ed.* 4. *c.* 2.

CAP. III.

Juſtices in certain Caſes may amend their Records according to former Statutes.

ITEM come au parlement tenuz a Weſtm' le ij. jour du Maij lan du regne le Roi HENRI pier noſtre Seignur le Roi qoreſt ix reherce fuiſt coment au parlement tenuz a Weſtm' lan du regne le Roi E. tierce xiiij ordeigne fuit par auctorite du dit parlement qe pur meſpriſion de clerc en queconqe place ceo ſoit ne ſoit proceſſe de plee aniente ne diſcontinue par meſprendre en eſcrivant une lettre trop ou trop poy mes ſitoſt come le choſe ſerra aperceive par chalange des parties ou en autre manere ſoit haſtivement amende en

"ITEM, Whereas at the Parliament holden at *Weſtminſter* the ſecond Day of *May*, the Ninth Year of the Reign of King HENRY, Father of our Lord the King that now is, it was rehearſed, how that at the Parliament holden at *Weſtminſter* the xiv. Year of King EDWARD the Third, it was ordained by the Authority of the ſaid Parliament, That for Miſpriſion of a Clerk, in whatſoever Place it be, no Proceſs or Plea ſhould be undone nor diſcontinued, by Overſight in writing a Letter or Syllable too much or too little, but as ſoon as the Thing were perceived by Challenge of the Parties, or in other Manner, it ſhould be haſtily amended in due

8 *R.* 2. *c.* 4. 1 *H.* 5. *c.* 5. 9 *H.* 5. *c.* 4.

5 Co. 45. 8 Co. 157. Dyer, 260, 342.

" due Form, without giving Advantage to the Party " that challengeth the ſame becauſe of ſuch Miſ- " priſion; the ſaid late King HENRY, conſidering " the Diverſities of Opinions which Men had upon " the ſaid Statute, and to put the Thing in more open " Knowledge, did declare and ordain by Authority " of the ſaid Parliament holden the ſaid ninth Year, " That the Juſtices before whom ſuch Plea or Re- " cord is made, or ſhall be depending, as well by Ad- " journment, as by way of Error or otherwiſe, ſhall " have Power and Authority to amend ſuch Record and " Proceſs, as well after Judgement given as before, by " Force of the ſaid Statute made in the Time of the " ſaid King EDWARD, which Ordinance ſhould en- " dure till the next Parliament, which ſhould be firſt " holden after the Return of the ſaid King HENRY the " Father into *England* from beyond the Sea, and which " now is determined by the Death of the ſaid late " King HENRY the Father:" 'Our Sovereign Lord, by the Advice and Aſſent aforeſaid, hath or- dained and eſtabliſhed, That the ſaid Statute, and the Effect of the ſame, made the ſaid ninth Year, ſhall hold Strength, Force, and Effect, in every Record and Proceſs of the ſame, as well after Judge- ment given upon a Verdict paſſed, as upon a Matter in Law pleaded, as a Statute available and effectual in Law to endure for ever. Provided always, That this Statute do not extend to Records and Pro- ceſſes in the Parts of *Wales*, nor to Records and Pro- ceſſes whereby any Perſon is or ſhall be outlawed at any Man's Suit.'

A Confirmation of the Statute of 14 Ed. 3. ſtat. 1. c. 6. & 9 H. 5. c. 4. authoriſing Juſtices to amend Records.

See farther 8 H. 6. c. 12 & 15. 10 H. 6. c. 4. 18 H. 6. c. 9. 5 *El.* c. 23. 27 *El.* c. 5. *and* 4 *Ann.* c. 16. *what Defects may be amended and what not.*

Ex Rot. in Turr. Lond.

du fourme ſanz doner avantage a partie qe ceo chalange pur cauſe de tiel meſpriſion le dit nad- gairs Roi HENRI conſiderant la diverſite doppi- nions qe lem avoit ſur le dit eſtatut & pur mettre le choſe en pluis overt conyſauns declara & or- dina par auctorite du dit parlement tenuz le dit an ix^e qe les Juſtices devaunt queux tiel plee ou recorde eſt fait ou ſerra pendant ſibien par ajourne- ment come par voie derrour ou autrement eient poair & auctorite damender tielx recorde & pro- ceſſe come devaunt eſt dit ſolonc la fourme de meſme leſtatut ſibien apres juggement en tiel plee recorde ou proceſſee renduz come devaunt le juggement renduz en tielx plee recorde ou proceſſe tant come les ditz recorde & proceſſe ſoient devaunt eux en meſme la manere come Juſtices avoient poair demender tielx recorde & proceſſe devaunt juggement renduz par force du dit eſtatuit en temps le dit Roi E. fait come deſuis la quele ordi- nance endureroit tanqe al proſchein parlement qi ſerroit primerment tenuz apres le revenue du dit Roi HENRI le pier en Engleterre de pardela & la quele ore eſt determine par le mort du dit nadgairs Roi HENRI le pier le Roi moſtre ſove- rein Seignur par advis & aſſent ſuiſditz ad ordine & eſtablie qe le dit eſtatuit & effect dicell fait le dit an ix^e teigne force vigour & effect en cheſcun recorde & proceſſe ſibien apres juggement renduz ſur verdit paſſe come ſur matiere en leie plede come eſtatut vaillable & effectuell en ley a toutz jours adurer. Purveu toutz foitz qe ceſt eſtatut ne ſe extende as recordes & proceſſes es parties de Gales ne as recordes & proceſſes par queux aſcune perſone eſt ou ſerra utlage al ſuyt daſ- cuny.

CAP. IV.

EXP. The Writs, Suits, and Proceſſes now depending of certain that were late made Knights, ſhall not abate for that Cauſe.

CAP. V.

Licence given to all the King's Subjects to tranſport Corn.

A Confirmation of the Statute of 17 R. 2. c. 7. giving Licence to all the King's Subjects to carry Corn out of the Realm. The Stat. 17 R. 2. c. 7. is repealed by 21 Jac. 1. c. 28. 1 & 2 Ph. & M. c. 5.

ITEM come le noble Roy RICHARD ſeconde puis le conqueſt qe Dieu aſſoille a ſon parlement tenuz a Weſtm' al quinſzeine de Seint Hillar lan de ſon regne xvij. a la eſpeciale requeſt des Communes de meſme le parlement graunta licence a toutz ſes lieges de ſon Roialme dEngleterre deſkipper & ameſner blees hors du dit Roialme as queux parties qe lour plerra horſpris as enemys paiantz les ſubſidees & devoirs ent duez nient contreſteant aſcun ordinance proclamation ou defenſe fait devaunt a contrarie Nientmiens meſme le nadgairs Roi vouloit qe ſon counſeil purroit reſtreindre le dit paſſage qant lour ſembleroit boſoignable pur profit du Roialme [Noſtre Seignur le Roy a la eſpeciale requeſt des communes en ceſt preſent parlement & de ladvis & aſſent ſuiſditz voet & graunte qe le dit eſtatuit ſoit tenuz & gardez en toutz points iſſint qe ſon counſeill puiſſe reſtreindre le dit paſſage qant lour ſemblera pur profit du Roialme.]

1 Jac. 1. c. 25. 3 Jac. 1. c. 11. 21 Jac. 1. c. 28. *See Index, tit.* Corn *and* Grain.

Statutes made at Weſtminſter, Anno 6 HEN. VI. *and* Anno Dom. 1427.

Ex Rot. in Turr. Lond. *m.* 7.

" OUR Lord the King, at his Parliament hold- " en at *Weſtminſter*, the fifteenth of St. *Michael*, " the ſixth Year of his Reign, by the Advice " and Aſſent of the Lords Spiritual and Temporal,

NOSTRE Seignur le Roy a ſon parlement tenuz a Weſtm' a la Quinſziſme de Seint Michell lan de ſon regne vj^me par advys & aſſent des Seignurs eſpirituelx & temporelx &

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Ex Rot. in Turr. Lond.

al eſpeciale requeſt des Communes de ſon Roialme en le dit parlement aſſemblez ad fait faire certeins eſtatutz & ordinances a lonur de Dieu & pur le bien & eaſe de ſon poeple en la forme enſuyt.

" and at the ſpecial Inſtance and Requeſt of the Commons of his Realm in the ſaid Parliament aſſembled, " hath cauſed to be made certain Statutes and Ordinances to the Honour of God, and for the Weal and " Eaſe of his People, in the Manner and Form following."

CAP. I.

Within what Time a *Capias* awarded againſt any Perſon indicted in the King's Bench, ſhall be returnable.

EN primes pur ceo qe divers des loialx lieges noſtre dit Seignur le Roy par faux ymagination comettement & conſpiracie des certeins maleſeſours ſont enditez devaunt le Roy en ſon bank de diverſes felonies & treſons par jurrours ſuſpectz & a ceo par confederacie & conjecture des ditz conſpiratours lowez & procurez par force des queux enditementz capias eſt agarde al viſcount del countee ou le dit Bank eſt retournable deinz deux ou quatre jours a quell jour ſi la partie endite ne veigne exigend' eſt agarde par qoi les biens & chateux des ditz enditz ſont forfaitz au Roy a final deſtruction de divers des loialx lieges de noſtre dit Seignur le Roy ſi come meſme noſtre Seignur ad conceu a la grevouſe compleint des ditz Communes a luy faite en le dit parlement noſtre dit Seignur le Roy voillant en ceo cas purvoir de remedie ad ordine par advys & aſſent ſuiſditz qe avant qe aſcun exigende ſoit agardez envers tielx enditez devaunt le Roy en ſon dit Bank ſoient briefs de capias directz ſibien al viſcont ou viſcontz del countee en le quell ils ſont enſi enditez come al viſcount ou viſcountz del countee dount ils ſont nomez en les enditementz aiantz meſmes les capias leſpace des ſys ſepmains au meynes ou pluis long temps par les diſcretions des Juſtices ſi le cas ceo requirt devaunt la retourne dicelles les queux briefs iſſint retournez procedent les Juſtices en maner come ils ount fait devaunt ces heures & ſi aſcune exigende ſoit agarde ou aſcune utlagarie pronuncie en apres envers tielx enditez devaunt le retourne des ditz briefs ſoit celle exigende iſſint agarde ovec la utlagarie ent pronuncie voide & tenuz pur null. Et durera ceſte ordinance tanqil plerra a noſtre Seignur le Roy.

" FIRST, For that divers of the King's faithful Subjects, by falſe Practice, Covin, and Conſpiracy of certain evil Perſons, be indicted before our " Lord the King in his Bench, of divers Felonies and " Treaſons, by ſuſpect Jurors, hired and procured to " the ſame by Confederacy and Covin of the ſaid " Conſpirators; by force of which Indictments a " *Capias* is awarded to the Sheriffs of the County " where the ſaid Bench is, returnable within two or " four Days, at which Day, if the Party ſo indicted " come not, an *Exigent* is awarded, whereby the Goods " and Chattles of ſuch Perſons indicted be forfeit to " our Lord the King, to the utter Undoing of divers " of the King's faithful Subjects, as the ſame our " Lord the King hath conceived by the grievous Complaint of the ſaid Commons, made to him in the " ſaid Parliament;" ' our ſaid Lord the King, willing in this Caſe to provide Remedy, hath ordained, ' by the Advice and Aſſent aforeſaid, That before any ' *Exigent* be awarded againſt ſuch Perſons indicted ' before the King in his ſaid Bench, Writs of *Capias* ' ſhall be directed, as well to the Sheriff or Sheriffs of ' the County wherein they be indicted, as to the Sheriff or Sheriffs of the County whereof they be named ' in the Indictments; the ſame *Capias* having the ' Space of ſix Weeks at the leaſt, or longer Time, by ' the Diſcretion of the ſaid Juſtices, if the Caſe require it, before the Return of the ſame; which ' Writs ſo returned, the Juſtices ſhall proceed in the ' Manner as they have done before this Time: ' And if any *Exigent* be awarded, or any Outlawry ' pronounced hereafter againſt ſuch Perſons indicted, ' before the Return of the ſaid Writs, the ſame *Exigent* ' ſo awarded, with the Outlawry thereof pronounced, ' ſhall be void and holden for none. And this ' Ordinance ſhall endure as long as ſhall pleaſe the ' King.' 3 Inſt. 31.

c. 10. *which is confirmed by* *Confirmed* 8 H. 6. 10 H. 6. c. 6.

CAP. II.

How long Time the Copies of Panels in Aſſiſe ſhall be delivered to the Parties before the Seſſions of the Juſtices.

ITEM pur ceo qe divers des lieges noſtre Seignur le Roy avaunt ces heures ount eſtez deſheritz a cauſe qen les eſpeciales aſſiſes les tenantz & defendantz ne purront my avoir coniſance ne copy de la panell de ceux qi ſont empanellez pur paſſer en les ditz aſſiſes pur eux enformer de lour droit & titles devaunt le jour de la ſeſſion qe les aſſiſes ſerront demandez noſtre dit Seignur le Roy voillant de ceo purvoier de remedie ad ordine & eſtablie qe les panelles des ditz aſſiſes ſoient

" ITEM, Becauſe that divers of the King's liege People in Times paſt have been diſherited, for " that in ſpecial Aſſiſes the Tenants and Defendants " could not have Knowledge nor Copy of the Panel " of them that be impanelled to paſs in the ſaid Aſſiſes, " to inform them of their Right and Titles before the " Day of the Seſſion that the Aſſiſes ſhould be demanded;" ' our Lord the King, willing thereof to provide Remedy, hath ordained and eſtabliſhed, That ' the Panels of the Aſſiſes ſhall be arrayed, and a 3 Inſt. 175.

'Copy indented of the ſame by the Sheriff delivered 'to the Plaintiffs, Tenants, and Defendants ſix Days 'at the leaſt before the Seſſion of the Juſtices, if they 'the ſame demand; and as to the Return or An-'ſwer of the Bailiffs of Franchiſes, they ſhall make 'their Returns or Anſwers to the Sheriffs, of ſuch 'ſpecial Aſſiſes, ſix Days before the Seſſions in the 'Manner aforeſaid; and that upon Pain of Forty 'Pounds to be paid by the ſaid Sheriffs or Bailiffs to 'our Lord the King, as often as they, or any of them, 'do or cauſe to be done contrary to this Ordinance or 'Statute.'

42 Ed 3. c. 11. *By* 7 *W.* 3. *c.* 3. *ſec.* 7. *Perſons tried for High Treaſon, &c. ſhall have Copies of Panels, &c.*

Ex Rot. in Turr. Lond.

arraiez & copie endentee dicelles par le viſcount deliveree a les plaintifs tenantz & defendantz par vi. jours a meins devaunt la ſeſſion des Juſtices ſi eux les demandent. Et quant a la retourne ou reſpounce des bailifs des fraunchiſes facent ils lour retournez ou reſponce as viſcountz en tielx eſpecialx aſſiſes viij. jour devaunt la ſeſſion en manere come deſuis. Et ceo ſur peine de xl. li. a paiers par les viſcoutz ou bailifs a noſtre Seignur le Roy a tant de foitz come ils ou aſcun de eux fount ou face la contrarie de ceſt ordinaunce.

CAP. III.

EXP. *Confirmed by* 8 H. 6. c. 8. *Repealed by* 5 El. c. 4.

The Juſtices of Peace, *&c.* ſhall aſſign the Wages of Artificers and Workmen by Proclamation; and the Penalty of thoſe that take more.

CAP. IV.

The Sheriffs Traverſe to an Inqueſt found touching returning Knights of Shires for the Parliament.

A Rehearſal of the Statute of 7 H. 4. c. 15. touching the Form of chooſing of Knights for the Parliament.

"ITEM, Whereas it was ordained and eſtabliſhed in "the Seventh Year of King HENRY the Fourth, "Grandfather of our Lord the King that now is, that "Knights of Shires for the Parliament ſhould be choſen "in the Manner and Form following; that is to ſay, "at the next County to be holden after the Delivery of "the Writ of the Parliament, Proclamation ſhall be "made in the full County of the Day and Place of the "Parliament, and that all they which be preſent "there, as well Suitors duly ſummoned for this Cauſe, "as other, ſhall attend to the Election of their Knights "for the Parliament, and then in full County they "ſhall proceed to the Election freely and indifferently, "notwithſtanding any Requeſt or Commandment to "the contrary; and that after they be choſen, whether "ſuch Perſons choſen be preſent or abſent, their Names "ſhall be written in Indentures, under the Seals of all "the Chooſers, and annexed to the ſaid Writ of Par-"liament, which Indenture, ſo ſealed and tacked, ſhall "be holden for the Return of the ſaid Writ, as to the "Knights of the ſaid Shires: And alſo in the "Writs of the Parliament hereafter to be made, this "Clauſe ſhall be put in the Manner as followeth: *Et "electionem tuam in pleno comitatu tuo factam diſtincte "& aperte ſub ſigillo tuo & ſigillis eorum qui electioni illi "interfuerint, nobis in cancellaria noſtra ad diem & lo-"cum in brevi contentos certifices indilate.* And for "that in the ſame Statute no Pain was ordained, nor "ſpecially ſet upon the Sheriffs of the County, if they "make their Return contrary to the ſaid Statute, it "was ordained and eſtabliſhed the Eleventh Year of "the ſaid King HENRY the Fourth, That the Juſtices "of Aſſiſes ſhould have Power to inquire in their "Seſſions of Aſſiſes of ſuch Returns made; and if it "be found by Inqueſt and due Examination before the "ſame Juſtices, that any ſuch Sheriff hath made, or "hereafter ſhall make, any Return contrary to the Te-"nor of the ſaid Statute, that the ſame Sheriff ſhould "incur the Pain of an hundred Pounds, to be paid to "our ſaid Lord the King. And moreover, that the "Knights ſo unduly returned ſhall loſe their Wages "of the Parliament in old Times accuſtomed; to "the great Miſchiefs of Sheriffs and Knights of the

By the Stat. of 11 H. 4. c. 1. Juſtices of Aſſiſe ſhall inquire of undue Returns of Knights of the Parliament.

ITEM come ordeigne ſoit & eſtablie lan ſeptiſme le Roy H. quart Aiel noſtre Seignur le Roy qoreſt qe chivalers des countees pur le parlement ſoient eſſluz en maner & fourme qenſuite ceſtaſſavoir qe al prochein countee a tenir apres la livere de brief de parlement proclamation ſoit fait en plein countee del jour & lieu de parlement & qe toutz ceux qi illoeqes ſount preſentes ſibien ſeutours duement ſummonez pur cell cauſe come autres entendent a la election de lour chivalers pur le parlement & adonqes en plein countee alent a la election liberalment & endiferement non obſtant aſcun prier ou commaundment a contrarie & apres qils ſoint eſſluz ſoient les perſonez eſlieux preſentz ou abſentz ſoient lour nouns eſcriptz en endentures deſoubz les ſeales de toutz ceux qi eux eſliſount & tachez au dit brief de parlement quele endenture iſſint enſealez & tachez ſoit tenuz pur la retourne de dit brief qant as chivalers des countees & qe en brief de parlement affaire en temps avenir ſoit mys ceſte clauſe *Et electionem tuam in pleno comitatu tuo factam ſub ſigillo tuo & ſigillis eorum qui electioni illi interfuerint nobis in cancellaria noſtra ad diem & locum predictos certifices indilate.* Et pur tant qe en meſme leſtatut null peine fuiſt ordinez ne mys en eſpecial ſur les viſcountz des countees ſils facent aſcun retourne al contrarie du dit eſtatut ordine fuiſt & eſtablie lan xj^e le dit Roy HENRY quart qe les Juſtices as Aſſiſes prendre eient poair denquere en lour ſeſſions des aſſiſes des tielx retournes faitz & ſi par enqueſt & due examination trove ſoit devaunt meſmes les Juſtices qe aſcun tiel viſcount eit fait ou face apres aſcun retourne encountre la tenure du dit eſtatut qe meſme le viſcount encourge la peine de C li. apaiers au noſtre dit Seignur le Roy. Et outre ceo qe les chivalers des countees enſi nient duement retournez perdent lour gagez de parlement auncienment accuſtumez a treſgraund meſchief des viſcountz & chivalers

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Ex Rot. in Turr. Lond.

des countees qi ſount forbarrez & ouſteez de lour reſpounce encountre tielx enqueſtes doffice priſez devaunt les ditz Juſtices a cauſe de les ſtatut & ordeignaunce ſuiſditz noſtre Seignur le Roy voillant en ceo cas purvoir de remedie ad ordeigne & eſtable qe toutz les chivalers des countees pur ceſt preſent parlement eſluz & les viſcountz dicelles countees envers queux aſcuns enqueſtes ou offices de noun due election ſont trovez devaunt les Juſtices daſſiſes aient lour reſpounces & travers envers les ditz enqueſtes & offices & auxi toutz les chavilers deſore enavaunt iſſint a eſlierz & les viſcontz qi ferront tielx elections aient lour reſpounce & travers envers tielx enqueſtes & offices devaunt aſcuns juſtices des aſſiſes deſore apprendrez. Et ne ſoient les ditz chivalers & viſcountz endamagez envers noſtre dit Seignur le Roy ou ſes ſucceſſours pur aſcun tiel enqueſt pris ou apprendre tanqe ils ſoient duement convictz ſolonc la forme de la ley.

" Shire, which be forebarred and put out of their Anſwer againſt ſuch Inqueſts of Office taken before the ſaid Judges, becauſe of the Statute and Ordinance aforeſaid;" ' our Lord the King, willing in this Caſe to provide Remedy, hath ordained and eſtabliſhed, That all the Knights of the Shires ' choſen for this preſent Parliament, and the Sheriffs ' of the ſame Counties againſt whom any Inqueſts or ' Offices of undue Election be found before the Juſtices of Aſſiſes, ſhall have their Anſwer and Traverſe to ſuch Inqueſts of Office taken; and alſo ' all the Knights from henceforth ſo to be choſen, and ' the Sheriffs that ſhall make ſuch Elections, ſhall ' have their Anſwer and Traverſe to ſuch Inqueſts ' and Offices before any Juſtices of Aſſiſes hereafter ' to be taken; and the ſaid Knights and Sheriffs ' ſhall not be endamaged unto our ſaid Lord the King, ' or his Succeſſors, for any ſuch Inqueſt taken or to ' be taken, until they be duly convict according to ' the Form of the Law.'

The Knights choſen for the Parliament, and Sheriffs of Counties, may have their Traverſe of an Office found againſt them.

See farther Index, tit. Parliament.

CAP. V.

Several Commiſſions of Sewers ſhall be granted. The Form of the Commiſſion.

ITEM noſtre treſſoverein Seignur le Roy de ladvys & aſſent ſuiſditz conſiderantz les graundes damagez & perdes qore tarde ſount avenuz par les graundres creteines del eawe en diverſes parties du Roialme & qe pluſours greindres damages ſont veriſemblablement avenirs ſi remedie ne ſoit haſtivement purveu ad ordine & graunte qe par dys ans proſcheinement enſuantz ſeveralx commiſſions de ſewers ſoient faitz as diverſes perſones par le Chauncellor dEngleterre pur le temps eſteant a nomers en toutz les parties de Roialme qe meſtier ſerra ſolonc la fourme enſuant:

" ITEM, Our Sovereign Lord the King, by the Advice and Aſſent aforeſaid, conſidering the great Damage and Loſſes, which now late be happened by the great Inundation of Waters in divers Parts of the Realm, and that much greater Damage is very like to enſue, if Remedy be not ſpeedily provided, hath ordained and granted, That during Ten Years next enſuing ſeveral Commiſſions of Sewers ſhall be made to divers Perſons by the Chancellor of *England* for the Time being, to be ſent into all Parts of the Realm where ſhall be needful, according to the Form that followeth:"

Commiſſions of Sewers ſhall be granted during ten Years.

REX dilectis & fidelibus ſuis A. B. & C. ſalutem. Sciatis quod cum wallie foſſata guttere ſewere pontes calceta & gurgites per coſteram maris & mariſci infri fines & limites de Lyndeſey in comitatu Lincoln' per impetum maris fluxus & refluxus ac inundationes & trancheas aquarum dulcium per diverſa loca ad mare deſcendentium adeo rupta ſunt & confracta quod quamplura dampna ineſtimabilia pro defectu reparationis eorundem walliarum foſſatorum gutterarum ſewerarum pontium calcetorum & gurgitum temporibus retroactis evenerunt ibidem & adhuc timendum eſt quod longe majora infra breve tempus evenient niſi ſuper hoc celerius adhibeatur remedium oportunum Nos pro eo quod ratione dignitatis noſtre regie ad providendum ſalvationi regni noſtri Anglie circumquaque ſumus aſtricti Volentes in hac parte congruum & feſtinum remedium adhiberi Aſſignavimus vos &c. quorum &c. unum eſſe volumus j ſticiarios noſtros ad predicta wallias foſſata gutteras ſeweras pontes calceta & gurgites ac trencheas predictas ſupervidend' & ad inquirend' per ſacramentum tam militum quam aliorum proborum & legalium hominum de comitatu predicto tam infra libertates quam extra per quos rei veritas melius ſciri poterit per quorum vel cujus defectum hujuſmodi dampna contigerunt ibidem & qui terras & tenementa tenent vel communiam paſture ſeu piſcarie in partibus predictis habent vel etiam defenſionem commodum & ſalvationem qualitercunque habent vel habere poterunt tam periculo propinquiores quam ab eodem remotiores per predicta wallias foſſata gutteras ſeweras pontes calceta & gurgites ac etiam dampnum vel commodum per trencheas illas & ad omnes illos pro quantitate terrarum & tenementorum ſuorum ſive per numerum acrarum ſive per carucatas pro rata portionis tenure ſue ſeu pro quantitate communie paſture vel piſcarie ſue ibidem diſtringendum una cum ballivis libertatum & aliorum locorum de comitatu & locis predictis & ad predicta wallias foſſata gutteras ſeweras pontes calceta & gurgites in locis neceſſariis reparand' & ad ea vel alia quotiens & ubi neceſſe fuerit de novo faciend' ac ad trencheas predictas in locis neceſſaris mundand' & ſi neceſſe fuerint obſtruend' Ita quod aliquibus tenentibus terrarum ſeu tenementorum hujuſmodi vel communiam paſture ſeu piſcarie habentibus diviti vel pauperi aut alteri cujuſcumque conditionis ſtatus vel dignitatis fuerit qui defenſionem commodum & ſalvationem per predicta wallias foſſata gutteras ſeweras pontes calceta & gurgites ſeu etiam dampnum per trencheas predictas qualitercunque habent vel habere poterunt ſive fuerint infra libertates ſive extra nullatenus parcatur in hac parte. Et ad agiſtamenta ſuper foſſata maris pro ſalvatione partium predictarum juxta numerum acrarum ſive particarum pur vos &c. quorum &c. unum eſte volumus de novo numerand' & quotiens & ubi neceſſe fuerit de novo faciend' & ad certos diligentes & fideles cuſtodes pro ſalvatione predicta

The Form of the Commiſſion of Sewers. 23 H. 8. c. 5.

Commiſſioners ſhall inquire of Annoyances, Default they happened. Inquiry who hath Lands, Common, or Fiſhing there, and who may have Loſs by the Annoyances, or Benefit by the Repair of them. Diſtraining for Reparations.

None ſhall be ſpared that may receive Benefit or Loſs. 4 Mod. 350. 5 Co. 100. 10 Co. 141.

Ex Rot. in Turr. Lond.

Taking the Account of the Collectors Diſtraining for the Arrearages of the Collection.

Making of Ordinances for the Defence of the Sea-banks.

Taking of Labourers to work in the Reparations.

Puniſhment of them which do neglect or refuſe to repair their Portion aſſigned.

The Sheriffs and Jurors ſhall be attendant upon the Commiſſioners of Sewers.

8 H. 6. c. 3.
23 H. 6. c. 9.
6 H. 8. c. 10.
3 Jac. 1. c. 14.
7 Ann, c. 10.
See farther Index, tit. Sewers.

predicta deputand' & ad audiend computum de collectoribus denariorum quos ex hac cauſa levari & in reparatione et emendatione dictorum walliarum foſſatorum gutterarum ſewerarum pontium calcetorum & gurgitum aut obſtructione trenchearum predictarum poni contigerit & ad diſtringend' per vos &c. quorum &c. unum eſſe volumus vel per alios quos ad hoc duxeritis deputand' pro arreragiis hujuſmodi collectionis quotiens opus fuerit & videritis expedire Ac ad ſtatuta & ordinationes pro ſalvatione & conſervatione coſtere maris & mariſci predictorum ac partium adjacentium neceſſarie & opportuna juxta leges & conſuetudines mariſci de Romeney faciend' & ordinand' & ad omnia & ſingula premiſſa tam ad ſectam noſtram quam aliorum quorumcunque coram vobis in hac parte conqueri volentium audiend' & terminand' ſecundum legem & conſuetudinem regni noſtri Anglie ac conſuetudinem mariſci de Romeney ſupradicti necnon ad tot foſſatores & alios operarios & laboratores quot pro operationibus & reparationibus predictis ſufficere poterunt pro competenti ſalario eis in hac parte ſolvendo ob grandem & feſtinam neceſſitatem inſtantem capiend' & in operationibus & reparationibus predictis ponend'. Et ideo vobis mandamus quod ad certos dies & loca quos vos &c. quorum &c. unum eſſe volumus ad hoc provideritis predicta wallias foſſata gutteras ſeweras pontes calceta gurgites & trencheas ſupervideatis & premiſſa omnia & ſingula faciatis & expleatis audiatis & terminetis in forma predicta Ita quod pro defectu reparationis eorundem walliarum foſſatorum gutterarum ſewerarum pontium calcetorum & gurgitum ac obſtructionum trenchearum predictarum dampnum vel periculum aliquod non eveniat ullo modo. Et omnes illos quos negligentes vel rebelles in reparatione & factione portionum ipſos inde contingentium inveneritis per diſtrictiones & amerciamenta ac aliis viis & modis quibus melius expedire videritis ad defectus hujuſmodi celeriter reficiend' & emendand' compellatis & omnia que per vos ordinari & fieri contigerint in hac parte tam infra libertates quam extra faciatis firmiter obſervari facturi inde quod ad juſtitiam pertinet ſecundum legem & conſuetudinem regni noſtri Anglie Salvis nobis amerciamentis ac aliis ad nos inde ſpectantibus. Mandavimus enim vicecomiti noſtro comitatus predicti quod ad certos dies & loca quos vos &c. quorum &c. unum eſſe volumus ei ſcire fac' venire fac' coram vobis &c. quorum &c. tot & tales probos & legales homines de balliva ſua tam infra libertates quam extra per quos rei veritas in premiſſis melius ſciri poterit & inquiri. In cujus &c. Teſte &c.

CAP. VI.

All Merchants may ſhip Merchandiſe in *Melcomb* Haven, and carry them to *Calais*.

Statutes made at Weſtminſter, Anno 8 HEN. VI. *and* Anno Dom. 1429.

" TO the Laud and Honour of Almighty God, " and of the holy Mother the Church, our " moſt noble Chriſtian Lord HENRY, by the " Grace of God King of *England* and *France*, and Lord " of *Ireland*, in his Parliament holden at *Weſtminſter* " the Morrow after St. *Matthew* the Apoſtle, the " Eighth Year of his Reign, by the Advice and Aſ- " ſent of the Prelates and Great Men of his Realm of " *England*, and at the ſpecial Requeſt and Aſſent of the " Commons of the ſame Realm being in the ſaid Par- " liament, hath made certain Statutes and Ordinances " for the common Profit of the ſaid Realm, and eſpe- " cially for the good and wholeſome Government and " due Execution of the Law to be had in the ſame, " in the Form following."

Ex Rot. in Turr. Lond. *m.* 6.

AD omnipotentis Dei & ſancte matris eccleſie laudem & honorem Chriſtianiſſimus dominus noſter HENRICUS Dei gratia Rex Anglie & Francie & Dominus Hibernie illuſtris in parliamento ſuo apud Weſtm' in craſtino ſancti Mathei Apoſtoli anno regni ſui octavo tento de aviſamento & aſſenſu Prelatorum procerum & Magnatum regni ſui Anglie & ad ſpecialem requiſitionem ac de aſſenſu Communitatis ejuſdem regni in parliamento predicto exiſtentium quedam ſtatuta & ordinationes pro communi utilitate dicti regni & preſertim pro bona & ſana gubernatione ac debita legis executione habend' in eodem fecit in forma ſubſequenti.

CAP. I.

The Clergy of the Convocation ſhall have ſuch Liberty as the Great Men and Commonalty which come to the Parliament.

" FIRST, Becauſe the Prelates and Clergy of the " Realm of *England* called to the Convocation, " and their Servants and Familiars that come with " them to ſuch Convocation, oftentimes and common- " ly be arreſted, moleſted, and inquieted;" ' our ſaid ' Lord the King, willing graciouſly in this Behalf to

IN primis quia Prelati & Clerus regni Anglie ad convocationem evocati eorumque ſervientes & familiares qui cum eiſdem ad convocationem hujuſmodi veniunt ſepius ac frequenter areſtantur moleſtantur & inquietantur Volens igiter dictus dominus noſter Rex pro ſecuritate & quiete dictorum

Ex Rot. in Turr. Lond.

rum Prelatorum & Cleri in hac parte proſpicere gratioſe ad ſupplicationem eorundem Prelatorum & Cleri & de aſſenſu procerum Magnatum & Communitatis predictorum ordinavit & ſtatuit quod vocandi in futurum ad convocationem Cleri pretextu brevis regii eorumque ſervientes & familiares eadem libertate ſive immunitate veniendo expectando & redeundo plene gaudeant & utantur perpetuis futuris temporibus qua gaudent & gaudere conſueverunt ſive gaudere debent in futurum proceres ſive Magnates & Communitas regni Anglie ad parliamentum domini Regis vocati ſive vocandi.

'provide for the Security and Quietneſs of the ſaid 'Prelates and Clergy, at the Supplication of the ſame 'Prelates and Clergy, and by the Aſſent of the Great 'Men and Commons aforeſaid, hath ordained and 'eſtabliſhed, That all the Clergy hereafter to be called 'to the Convocation by the King's Writ, and their 'Servants and Familiars, ſhall for ever hereafter fully 'uſe and enjoy ſuch Liberty or Defence in coming, 'tarrying, and returning, as the Great Men and 'Commonalty of the Realm of *England*, called or to 'be called to the King's Parliament, do enjoy, and 'were wont to enjoy, or in Time to come ought to 'enjoy.' 5 H. 4. c. 6. 11 H. 6. c. 11.

inflicts Penalty on thoſe who aſſault any that come to Parliament.

CAP. II.

No Merchants of *England* ſhall enter into the Dominion of the King of *Denmark*, but at *Northbarn*. Rep. 1 H. 8. c. 1.

CAP. III.

Commiſſioners of Sewers may execute their own Ordinance.

ITEM noſtre Seignur le Roi conſiderant coment au darrein parlement tenuz a Weſtm' lan de ſon Roialme ſiſme ordine & grante eſtoit par auctorite du dit parlement qe ſeveralx commiſſions de ſewers ſerroient faitz as diverſes perſones par le Chaunceller dEngleterre pur le temps eſteant a nomerz en toutz les parties de Roialme ou meſtier ſerroit ſouz certein forme en les ditz ordinance & grante contenuz par quelles ordinance & grante les ditz commiſſioners navoient poair ne auctorite de fair parfourner ne dexecuter les choſes compriſes deinz les ditz commiſſions & pur ceo ad ordine & eſtablie par aucterite de ceſte preſent parlement qe toutz tielx commiſſioners aient poair pur fair ordiner & executer eſtatuits ordinances & autres affairz ſolonc leffect & purport dez commiſſions avauntditz.

"ITEM, Our Lord the King conſidering how at "the laſt Parliament holden at *Weſtminſter*, the "ſixth Year of his Reign, he did ordain and grant, by "Authority of the ſaid Parliament, That ſeveral Com"miſſions of Sewers ſhould be made to divers Perſons "by the Chancellor of *England* for the Time being to "be named, in all Parts of the Realm where ſhall be "needful, under a certain Form in the ſaid Ordinance "and Grant contained; by which Ordinance and "Grant the ſaid Commiſſioners had no Power nor "Authority to do, perform, nor execute the Things "compriſed within the ſaid Commiſſions;" 'and 'therefore he hath ordained and ſtabliſhed, by Autho'rity of this Parliament, That all ſuch Commiſſioners 'ſhall have Power to do, ordain, and execute the 'Statutes, Ordinances, and other Affairs to be made 'according to the Effect and Purport of the ſaid 'Commiſſions.' 6 H. 6. c. 5. *See farther Index, tit.* Sewers.

CAP. IV.

None ſhall buy nor wear a Livery to have Maintenance in any Quarrel. Rep. 3 Car. 1. c. 4.

CAP. V.

Every City and Borough ſhall have a common Balance and Weight. Who may buy Wooll and Yarn.

ITEM come par la Graunde Chartre dez libertees du Roialme & par eſtatuit fait lan xxv. du Roy E. tierce ordine ſoit & par eſtatuit fait lan xiij^e^ du Roi RICHARD le ſeconde confermee qe une pois & une meſure ſoit parmy tout le Roialme ſibien hors de leſtaple come dedeinz & en meſme leſtatuit du dit Roi E. contenu ſoit qe le pois appellez Auncell pur graundes damages & ſotilx deceites faitz par icell a le commune people ſoit tout outrement leſſez & qe lez lains & toutz maners dez choſes poiſablez achatez ou venduz ſoient poiſez par la balance iſſint qe la lange de balaunce nencline a lune partie ne a lautre oveſqe

"ITEM, Whereas by the Great Charter of the Li"berties of the Realm of *England*, and by a Statute "made the Twenty-fifth Year of King EDWARD "the Third, it was ordained, and by a Statute made in "the Thirteenth Year of King RICHARD the Second, "confirmed, That one Weight and one Meaſure "ſhould be through all the Realm of *England*, as well "out of the Staple as within; and in the ſame Sta"tute of the ſaid noble King EDWARD, it is contain"ed, That the Weight called Auncel, for the great "Hurt and ſubtle Deceits done by the ſame Meaſure "to the common People, ſhall be utterly left, and ſet "apart, and the Woolls, and all other Manner of "Merchandiſes, and all other Things weighable, "bought or ſold, ſhall be weighed by the Balance, ſo "that the Tongue of the Balance do not incline more

9 H. 3. ſtat. 1. c. 25. 51 *H.* 3. *ſtat.* 1. 14 Ed. 3. ſtat. 1. c. 12. 25 Ed. 3. *ſtat.* 5. *c.* 9 & 10. 27 Ed. 3. ſtat. 2. c. 10. 34 *Ed.* 3. *c.* 5 & 6. 13 R. 2. ſtat. 1. c. 9. 15 *R.* 2. *c.* 4.

to

" to the one Part than the other, with Weights ſealed, " and according to the Standard of the Exchequer; " and he that doth contrary, to the Damage of the " Seller, ſhall forfeit to our Lord the King the Value " of the Goods ſo weighed or meaſured; and that " the Party Complainant ſhall have his quatreble Da- " mages. And by the ſaid Statute of the ſaid noble " King RICHARD, it was added, That the Offender " ſhall be impriſoned by two Years, and make Fine " and Ranſom at the Will of our Lord the King; " and that the Juſtices of Peace ſhould have Power to " inquire of the ſaid Defaults, as well at the Suit of " our Lord the King, as the Parties;" ' our Lord ' the King, by the Authority of this Parliament, hath ' ordained and eſtabliſhed, That the Statutes and Or- ' dinances aforeſaid ſhall be firmly kept and holden, ' and ſtraitly executed.

' II. And moreover, for to eſchew divers great Miſ- ' chiefs which have happened within the Realm of ' *England* by the ſaid Auncel, and eſpecially to ' deſtroy the Falſhood of the Regrators of Yarn, cal- ' led *Yerne Choppers*, it is ordained by our ſaid Lord ' the King, by Authority aforeſaid, That in every ' City, Borough, and Town of the Realm of *Eng-* ' *land*, a common Balance ſhall be, with common ' Weights ſealed, and according to the Standard of ' the Exchequer, upon the common Coſts of the ſaid ' City, Borough, or Town, in the keeping of the ' Mayor or Conſtable of the ſame; at which Ba- ' lance and common Weight, all the Inhabitants of ' the ſame City, Borough, or Town, that have not ' ſuch Weights, and other that have, if they will, ' may freely weigh without any Thing paying; ' taking nevertheleſs of Foreigns for every Draught ' within the Weight of xl. li. a Farthing, and for eve- ' ry Draught betwixt Forty Pound and an Hundred ' Pound, an Halfpenny, and for every Draught be- ' twixt an Hundred Pound and a Thouſand Pound, ' a Penny at the moſt; whereof the Weights ſhall ' be maintained, and the Officer lawfully weighing ' rewarded by the Diſcretion of the chief Men of the ' City, Borough, or Town, according to his Attend- ' ance to his ſaid Buſineſs, be it more or leſs. ' And that no Man buy Yarn of Wooll, called Wool- ' len Yarn, unleſs he will make Cloth thereof; nor ' uſe Weight nor Meaſure, nor other Thing in the ' Place of Weight or Meaſure, that is not ſealed ac- ' cording to the ſaid Standard, nor ſet any Thing to ' the ſame by Way of hanging or covering, or in ' any other Manner that may increaſe the Meaſure or ' Weight, or let the Balance to have his natural ' Courſe, upon the Forfeiture and Penalty aforeſaid. ' And that the Juſtices of Peace, Mayors, Bailifs, ' and Stewards of Franchiſes, have Power by Autho- ' rity aforeſaid to examine the Treſpaſſers in this Caſe, ' and to inquire in eſpecial of Offenders againſt this ' Ordinance, and to do Execution of them that be ' found faulty by Inqueſts, or by Examination to be ' made by the ſaid Judges or Officers in this Caſe, in ' the Manner as afore is ſaid. And that this Or- ' dinance be holden and obſerved from the Feaſt of ' *Eaſter* next enſuing, for ever. And that every ' City, upon Pain of Ten Pounds, every Borough ' upon Pain of an Hundred Shillings, and every Town ' where a Conſtable is, upon Pain of Forty Shillings, ' have a common Balance with Weights according to

Every City, Borough, and Town, ſhall have a common Balance and Weights.

No Man ſhall buy Woollen Yarn, unleſs he will make Cloth thereof, Rep. 21 Jac. 1. c. 28.

The Forfeiture of a City or Town wanting common Balance and Weights.

Ex Rot. in Turr. Lond.

poiſes enſealez & accordantz a leſtandard de leſcheker & celuy qi face ie contrarie al damage del vendour forface au Roy la value des biens enſi poiſez ou meſurez & qe la partie compleignant ait ſez damages au quatreble. Et par le dit eſtatuit du dit Roy RICHARD addez ſoit qe le treſpaſſour ſoit empriſone par deux ans & face fyn & raunceon a la volunte le Roy & qe les Juſtices du pees aient poair denquerer dez ditz defautes ſibien al ſuite de Roi come de partie Noſtre Seignur le Roi par auctorite de ceſte parlement ad ordine qe lez ditz eſtatuitz ſoient fermement tenuz & gardez & eſtroitment executz.

Et enoutre pur eſchuer pluſours graundes meſchiefs qount avenuz deinz le dit Roialme par lez ditz auncelles & eſpecialment pur deſtruer la fauxetee de les regratours du file appellez Yernchoppers ordinez eſt par noſtre dit Seignur le Roy & par auctorite ſuiſdit qen cheſcune citee burgh & ville du Roialme ſoit une commune balance ovec communes poiſes enſealez & accordantz a leſtandard de leſcheqer ſur la commune coſtage du dite cite burgh ou ville en la garde del mair ou conſtables dicell as queux balaunces & communes poiſes toutz les enheritantz de meſme la citee burgh ou ville qi nount tielx poiſes & autres qount ſils voillent puiſſent franchement poiſer ſanz rien ent paier preignant nientmeins dez foreins pur cheſcune trett dedeinz le pois de xl. li. i. qua' & pur cheſcune trett parentre xl. & C. li. i. ob. & pur cheſcune trett parentre C. & $\frac{1}{m}$ li. i. d. a le pluis dont lez poiſes ſerront maintenuz & lofficer loialment poiſant regardez par la diſcretion des chiefs dicell citee burgh ou ville ſolonc ſa entendance a la dite occupation ſoit il pluis ou meins. Et qe null homme achate file de laine appelle Wollenyern ſil ne voet ent faire drap ne uſe pois ne meſure ne autre choſe en lieu de pois ou meſure qe le ſoit enſealez & accordant a le dit eſtandard ne mette aſcun choſe a icell par voie de pendure ou coverture ou en aſcun autre maner qe puiſſe encrecer la meſure ou le pois ou empedier la balaunce pur avoir ſon naturall cours ſur les forfaiture & peine deſuiſditz. Et qe les juſtices de pees mairs baillifs & ſeneſchalx des fraunchiſes aient poair par auctorite ſuiſdite dexaminer les treſpaſſours en ceo cas & pur enquerer en eſpecial de toutz treſpaſſours encountre ceſt ordinance & a fair execution diceux qi ſount trovez defectifs par enqueſtes ou par examination affair par lez ditz juges ou officer en ceo cas en maner come deſuis eſt dit. Et qe ceſte ordinance ſoit tenuz & obſervez de le feſt de Paſqe proſchein enſuant pur toutz jours. Et qe cheſcun citee ſur peine de x. li. cheſcune burgh ſur peine de C. s. & cheſcune ville ou un coneſtable eſt ſur peine de xl. s. ait une commune balaunce ovec poiſes accordantz a le dit eſtandard dedeinz deux mois apres proclamation

Ex Rot. in Turr. Lond.

mation faite de ceſte ordinance les quelles peines ſerront levez al oeps de Roi a tant de foitz qils ſerront trovez defectifs depuis la proclamation deſſuiſdite.

' the ſaid Standard, within two Months after Proclamation made of this Ordinance; which Penalty ſhall be levied to the Uſe of our Lord the King, as often as they ſhall be faulty after the ſaid Proclamation.' 9 H. 6. c. 6 & 8. 11 H. 6. c. 8. 11 H. 7. c. 4.

Farther provided for by 12 H. 7. c. 5. 16 Car. 1. c. 19. *and* 22 Car. 2. c. 8.

CAP. VI.

If any threaten, by caſting of Bills, to burn a Houſe, if Money be not laid in a certain Place; and after do burn the Houſe: Such burning of Houſes ſhall be adjudged High Treaſon. Rep. 1 Ed. 6. c. 12. 9 Geo. 1. c. 22. *makes it Felony to ſend Letters, demanding Money.*

CAP. VII.

What Sort of Men ſhall be Chooſers, and who ſhall be choſen Knights of the Parliament.

ITEM come lez elections dez chivalers dez countees eſluz a venir as parlements du Roi en pluſours countees dEngleterre ore tarde ount eſte faitz par trop graunde & exceſſive nombre dez gentz demurrantz deinz meſmes les countees dount la greindre partie eſtoit par gentz ſinon de petit avoir ou de null valu dount cheſcun pretende davoir voice equivalent quant a tielx elections faire ove les pluis valantz chivalers ou eſquiers demurrantz deinz meſmes les countes dount homicides riotes bateries & deviſions entre les gentiles & autres gentz de meſmes les countes veriſemblablement ſourdront & ſerront ſi convenable remedie ne ſoit purveu en celle partie noſtre Seignur le Roy conſiderant les premiſſes ad purveu & ordene par auctorite de ceſt parlement qe les chivalers des countes deins les Roialme dEngleterre a eſliers a venir a les parlements ens apres a tenirs ſoient eſluz en cheſcun counte par gentz demurrantz & reſeantz en icelles dount cheſcun ait frank tenement a le valu de xl s. par an al meins outre les repriſes & qe ceux qi ſerront enſy eſluz ſoint demurantz & reſeantz deins meſmes les countes & ceux qi ount le greindre nombre de yceulx qi poient expendre par an xl s. & outre come deſuis eſt dit ſoient retournez par les viſcontz de cheſcun countee chivalers pur le parlement par indentures enſeallez parentre les ditz viſcountz & les ditz eſliſours ent affaires. Et eit cheſcun vicont dEngleterre poair par auctorite ſuiſdite dexaminer ſur les ſeintz Evangelies cheſcun tiel eliſour comebien il poet expendre par an & ſi aſcun viſcount retourne chivalers pur venir au parlement au contrarie de yceſt ordinaunce qe les Juſtices des aſſiſes en lour ſeſſions des aſſiſes aient poair par auctorite ſuiſdite de ceo enquerer. Et ſi par inqueſt ceo ſoit trove devaunt meſmes les juſtices & le viſcount de ceo duement atteint qadonqs le dit viſcount encourage la peine de C. li. a paiers a noſtre Seignur le Roy & auxi qil ait impriſonment par un an ſaunz eſtre leſſez au baille ou mainpriſe & qe les chivalers pur le parlement au contrarie la dite ordinance retournez perdent lour gages.

Puryeu toutfoitz qe celluy qi ne poet expendre xl s. par an come deſuis eſt dit ne ſoit en aſcun

" ITEM, Whereas the Elections of Knights of Shires to come to the Parliaments of our Lord the King, in many Counties of the Realm of *England*, have now of late been made by very great, outrageous, and exceſſive Number of People dwelling within the ſame Counties of the Realm of *England*, of the which moſt Part was of People of ſmall Subſtance, and of no Value, whereof every of them pretended a Voice equivalent, as to ſuch Elections to be made, with the moſt worthy Knights and Eſquires, dwelling within the ſame Counties, whereby Manſlaughters, Riots, Batteries, and Diviſions among the Gentlemen, and other People of the ſame Counties, ſhall very likely riſe and be, unleſs convenient and due Remedy be provided in this Behalf;" ' our ' Lord the King, conſidering the Premiſſes, hath provided, ordained, and ſtabliſhed, by Authority of this preſent Parliament, That the Knights of the Shires ' to be choſen within the ſame Realm of *England* to ' come to the Parliaments of our Lord the King hereafter to be holden, ſhall be choſen in every County ' of the Realm of *England*, by People dwelling and reſident in the ſame Counties, whereof every one of ' them ſhall have free Land or Tenement to the Value ' of Forty Shillings by the Year at the leaſt above all ' Charges; and that they which ſhall be ſo choſe ' ſhall be dwelling and reſident within the ſame Counties; and ſuch as have the greateſt Number of ' them that may expend Forty Shillings by Year and ' above, as afore is ſaid, ſhall be returned by the Sheriffs of every County, Knights for the Parliament, ' by Indentures ſealed between the ſaid Sheriffs and the ' ſaid Chooſers ſo to be made. And every Sheriff ' of the Realm of *England* ſhall have Power, by the ' ſaid Authority, to examine upon the Evangeliſts every ſuch Chooſer, how much he may expend by the ' Year; and if any Sheriff return Knights to come ' to the Parliament contrary to the ſaid Ordinance, the ' Juſtices of Aſſiſes in their Seſſions of Aſſiſes ſhall have ' Power, by the Authority aforeſaid, thereof to inquire; ' and if by Inqueſt the ſame be found before the ' Juſtices, and the Sheriff thereof be duly attainted, ' that then the ſaid Sheriff ſhall incur the Pain of an ' hundred Pounds, to be paid to our Lord the King, ' and alſo that he have Impriſonment by a Year, without being let to Bail or Mainpriſe; and that the ' Knights for the Parliament returned contrary to ' the ſaid Ordinance, ſhall loſe their Wages.

' Provided always, That he which cannot expend ' Forty Shillings by Year, as afore is ſaid, ſhall in no wiſe

7 H. 4. c. 15. 6 H. 6. c. 4.

The Qualifications of the Electors. 1 H. 5. c. 1. 10 H. 6. c. 2.

What is required of the Candidates. 6 H. 6. c. 4. Altered by 10 H. 6. c. 2.

The Sheriff impowered to examine the Electors upon Oath, touching their Eſtates.

Juſtices of Aſſiſe to inquire of the Returns of Knights to Parliament.

Penalty on the Sheriff for undue Returns. 11 H. 4. c. 1. 23 H. 6. c. 15. Raſt. 446.

Knights falſly returned, ſhall loſe their Wages.

See further Index, tit. Parliament.

" wiſe be Chooſer of the Knights for the Parliament; " and that in every Writ that ſhall hereafter go forth " to the Sheriffs to chooſe Knights for the Parliament, " Mention be made of the ſaid Ordinances.'

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manere eſliſour des chivalers pur le parlement. Et qe en cheſcun briefe qe iſſera en apres as viſcount pur eſlier chivalers pur le parlement ſoit mention fait des ditz ordinances.

CAP. VIII.

Rep. 5 El. c. 4. The Statute of 6 Hen. 6. *c.* 3. confirmed, touching the Wages of Labourers, Servants, Artificers, and Workmen.

CAP. IX.

The Duty of Juſtices of Peace where Land is entered upon or detained with Force.

The Statute of 15 R. 2. c. 2. touching Forcible Entries rehearſed and confirmed. 4 Co. 48. Hob. 94. Keilw. 207, 208.

" ITEM, Whereas by the noble King Richard " late King of *England*, after the Conqueſt the Se- " cond, at his Parliament holden at *Weſtminſter* the " Morrow after *All Souls*, the fifteenth Year of his " Reign, amongſt other Things, it was ordained and " eſtabliſhed, That the Statutes and Ordinances made, " and not repealed, of them that make Entries with " ſtrong Hand into Lands or Tenements, or other Poſ- " ſeſſions whatſoever, and them hold with Force, and " of them that make Inſurrections, Riots, Routs, Ri- " dings, and Aſſemblies, in Diſturbance of the Peace, " or of the Common Law, or in Affray of the People, " ſhould be holden and fully executed. And more- " over it is ordained by the ſame Statute, That at all " Times that ſuch forcible Entries be made, and Com- " plaint thereof come to the Juſtices of Peace, or any " of them, that the ſame Juſtices or Juſtice ſhall take " the Power of the County, and ſhall go, or one of " them ſhall go, to the Place where ſuch Force is made; " and if they find, or he findeth, any holding ſuch " Place forcibly, after ſuch Entry made, they ſhould " be taken and put in the next Gaol, there to remain " convict by the Record of the ſame Juſtices or Juſ- " tice, until they have made Fine and Ranſom to the " King; and that all the People of the County, as " well Sheriffs as other, ſhall be attending to the ſaid " Juſtices, and to aſſiſt them to arreſt ſuch Malefactors, " upon Pain of Impriſonment, and to make Fine and " Ranſom to the King. And that in the ſame Man- " ner be done of them that make forcible Entries into " Benefices or Offices of holy Church, as in the ſame " Statute is contained more at large.

ITEM come par le Roy Richard nadgairs Roi dEngleterre puis le conqueſt ſeconde a ſon parlement tenuz a Weſtm' lendemain des almes lan de ſon reign xv^me^ entre autres choſes ordinez eſtoit & eſtabliez qe les eſtatuts & ordinances faitz & nient repellez de ceux qi fount entrees ove fort main en terres tenementz ou autres poſſeſſions qeconqs & lour teignent eins ove force & auxi de ceux qi fount inſurrections riotes routes chivaches ou aſſembles en diſtourbance de la pees ou de la commune ley ou en affraie del poeple ſerroient tenuz & plenement executes. Et outre ceo ordine eſt par meſme leſtatut qe toutz les foitz qe tiels forcibles entres ſoient faitz & pleint ent veigne as juſtices de peas ou aſcun deux qe meſmes les juſtices ou juſtices preignent ou preigne poair del countee & voiſent ou voiſe al lieu ou tiel force ſoit fait & ſils trovent ou trove aſcuns tenauntz tiel lieu forciblement apres tiel entre fait ſoient priſez & miſez en proſchien gaole a y demurer convictz de record de meſmes les juſtices ou juſtice tanqe ils eient faitz fyn & raunceon au Roy. Et qe toutz gentz de counte ſibien viſcountz come autres ſoient entendantz as ditz juſtices de eux enforcier pur areſtier tiels malefaiſours ſur peine dempriſonement & de faire fyne & raunceon au Roy. Et qe en meſme le manere ſoit fait de ceux qi fount forcibles entres en benefices ou office de ſeint eſgliſe come en meſme leſtatut eſt contenuz pluis au plein.

The Defects of the Statute of 15 R. 2. c. 2. Palmer 277.

" II. And for that the ſaid Statute doth not extend " to Entries in Tenements in peaceable Manner, and " after holden with Force, nor if the Perſons which " enter with Force into Lands and Tenements, be re- " moved and voided before the coming of the ſaid " Juſtices or Juſtice, as before, nor any Pain ordained " if the Sheriff do not obey the Commandments and " Precepts of the ſaid Juſtices to execute the ſaid Or- " dinance, many wrongful and forcible Entries be daily " made in Lands and Tenements by ſuch as have no " Right, and alſo divers Gifts, Feoffments, and Diſ- " continuances ſometimes made to Lords, and other " puiſſant Perſons, and Extortioners within the ſaid " Counties where they be converſant, to have Main- " tenance, and ſometimes to ſuch Perſons as be un- " known to them ſo put out, to the Intent to delay " and defraud ſuch rightful Poſſeſſors of their Right " and Recovery for ever, to the final Diſheriſon of di- " vers of the King's faithful liege People, and likely " daily to increaſe, if due Remedy be not provided

Et pur taunt qe le dit eſtatut nextende my as entres en tenementz en peiſible manere & apres tenuz ove force ne ſi les perſones qentront ove force en terres ou tenementz ſoient remoevez & voidez devaunt le venu des ditz juſtices ou juſtice come devaunt ne null peine ordine ſi le viſcount ne oheie my les maundementz & precepts des ditz juſtices pur executier lordinaunce ſuiſdit plouſours torcenouſes & forcibles entres ſount faitz de jour en autre en terres & tenementz par ceux qi droit nount. Et auxi diverſes douns feoffementz & diſcontinuance aſcun foitz faitz as Seignurs & autres perſones puiſſantz & extortioners deins les countes ou ils ſount converſantz pur maintenance avoir & aſcuns foitz as tiels perſones enſy ouſtez diſconuz a tiel entent pur delaier & defraunder tiels droiturelx poſſeſſours de lour droit & recoverer a toutz jours a final diſheriteſon de pluſours des foials lieges de Roy & ſemblable eſt dencreſcer de jour en autre ſi du remedie ne ſoit

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purveu celle partie. Noſtre Seignur le Roy conſiderant les premiſſes ad ordene qe le dit eſtatut & toutz autres eſtatutz de tiels entres ou alienation devaunt faitz ſoient tenuz & duement executz Ajouſtant a icelle qe ſi deſore en avaunt aſcun face tiel forcible entre en terres tenementz ou autres poſſeſſions ou eux tiegne forciblement apres compleint ent fait deins meſme le counte lou tiel entre ſoit fait as juſtices de peas ou un de eux par la parte greve qe les juſtices ou juſtice enſy garny deins temps covenable facent ou face duement executer le dit eſtatut & ceo as coſtages del partie enſy greve.

Et outre ceo coment qe tielx perſones faiſantz tiel entre ſoient preſentz ou voidez devaunt la venu des ditz juſtices ou juſtice nientmeins meſmes les juſtices ou juſtice en aſcun bone ville pluis proſchein as tenementz enſy entrez ou en aſcun lieu covenable ſolonc loure diſcretion eient & cheſcun de eux eit auctorite & poair denquerer par gentz de meſme le countee auxibien de ceux qi ſount tielx forcibles entres en terres & tenementz come de ceux qi eux teignent ove force. Et ſi trove ſoit devaunt aſcun deux qe aſcun face le contrarie de ceſt eſtatut adonqs les ditz juſtices ou juſtice facent ou face reſeiſer les terres & tenementz enſy entrez ou tenuz come devaunt & mettre la partie enſy ouſte en plein poſſeſſion de meſmes les terres & tenementz come devaunt entrez ou tenuz. Et ſi aſcune perſone apres tiel entre en terres ou tenementz temiz ove force face feoffement ou autre diſcontinuance a aſcun Seignur ou autre perſone pur maintenaunce avoier ou pur toller & defrauder le poſſeſſour de ſa recoverer en aſcun maner ſi apres en aſſiſe ou autre action ent deſtre priſe ou purſuez devaunt Juſtices des aſſiſes ou autres Juſtices le Roy qiconqs par deu enquerre ent apprendre purra duement eſtre prove meſmes les feoffementz & diſcontinuances eſtre faitz pur maintenaunce come deſuis eſt dit qe adonqes tielx feoffementz ou autre diſcontinuance enſy come devaunt faitz ſoient voidez irritez & tenuz pur nulle.

Et auxi quant les ditz Juſtices ou Juſtice ferrent tielx enquerrez come devaunt facent ou face lour garrantz & precepts directs al viſcount de meſme le counte luy comaundant depar le Roy de fair venir devaunt eux & cheſcun deux perſones ſufficiantz & indifferentz plus proſcheins demurrantz entour les tenementz enſy entrez come devaunt denquerrer de tielx entreez dount cheſcun qi ſerra empanelle denquerer en celle partie ait terre ou tenement de annuel value de xl. s. par an au meins outre les repriſes. Et qe le viſcount retourne iſſuez ſur cheſcun deux au jour de primer precept retornable xx. s. & al ſeconde jour xl. s. & al tierce foitz C s. & au cheſcun jour apres le double. Et ſi aſcun viſcount ou bailly deinz fraunchiſe aiantz retourne de briefe du Roy ſoit lacche & ne face duement execution des ditz preceptz a luy directz pur tielx enquerrez faire qil forface devers le Roy xx. li. pur cheſcun defaut & outre face fyn & raunceon au Roy.

" in this Behalf:" ' Our Lord the King conſidering the Premiſſes, hath ordained, That the ſaid Statute, and all other Statutes of ſuch Entries or Alienations made in Times paſt, ſhall be holden and duly executed; joined to the ſame, That from henceforth where any doth make any forcible Entry in Lands and Tenements, or other Poſſeſſions, or them hold forcibly, after Complaint thereof made within the ſame County where ſuch Entry is made, to the Juſtices of Peace, or to one of them, by the Party grieved, that the Juſtices or Juſtice ſo warned, within a convenient Time ſhall cauſe, or one of them ſhall cauſe, the ſaid Statute duly to be executed, and that at the Coſts of the Party ſo grieved.

The Office and Duty of Juſtices of Peace when any forcible Entry is made into Lands, or peaceable Entry and after detaining with Force. Carthew 49.

' III. And moreover though that ſuch Perſons making ſuch Entry be preſent, or elſe departed before the coming of the ſaid Juſtices or Juſtice, notwithſtanding, the ſame Juſtices or Juſtice in ſome good Town next to the Tenements ſo entered, or in ſome other convenient Place, according to their Diſcretion, ſhall have, or either of them ſhall have, Authority and Power to inquire by the People of the ſame County, as well of them that make ſuch forcible Entries in Lands and Tenements, as of them which the ſame hold with Force; and if it be found before any of them, that any doth contrary to this Statute, then the ſaid Juſtices or Juſtice ſhall cauſe to reſeiſe the Lands and Tenements ſo entered or holden as afore, and ſhall put the Party ſo put out in full Poſſeſſion of the ſame Lands and Tenements ſo entered or holden as before. And if any Perſon, after ſuch Entry into Lands or Tenements holden with Force, make a Feoffment or other Diſcontinuance to any Lord or other Perſon, to have Maintenance, or to take away and defraud the Poſſeſſor of his Recovery in any wiſe, if after in Aſſize, or other Action thereof to be taken or purſued before Juſtices of Aſſiſes, or other the King's Juſtices whatſoever, by due Inquiry thereof to be taken, the ſame Feoffments and Diſcontinuances may be duly proved, to be made for Maintenance, as afore is ſaid, that then ſuch Feoffments, or other Diſcontinuance, ſo as before made, ſhall be void, fruſtrate, and holden for none.

1 Leonard 327. The Remedy where any Perſon entering by Force doth aliene the ſame Land to have Maintenance. 1 R. 2. c. 9. Dyer 122, 187. 9 Co. 118. 11 Co. 65. 7 Ed. 4. f. 8. 4 H. 7. f. 18. Cro. Eliz. 184, 189, 306, 458, 461, 582, 654, 738, 915. Cro. Jac. 17, 19, 31, 41, 148, 151, 176, 214. Cro. Car. 201.

' IV. And alſo when the ſaid Juſtices or Juſtice make ſuch Inquiries as before, they ſhall make, or one of them ſhall make, their Warrants and Precepts to be directed to the Sheriff of the ſame County, commanding him of the King's Behalf to cauſe to come before them, and every of them, ſufficient and indifferent Perſons, dwelling next about the Lands ſo entered as before, to inquire of ſuch Entries, whereof every Man, which ſhall be impanelled to inquire in this Behalf, ſhall have Land or Tenement of the yearly Value of Forty Shillings by Year at the leaſt, above Repriſes. And that the Sheriff return Iſſues upon every of them at the Day of the firſt Precept returnable xx. s. and at the ſecond Day xl. s. and at the third Time C. s. and at every Day after, the double. And if any Sheriff or Bailiff within a Franchiſe, having Return of the King's Writ, be ſlack, and make not Execution duly of the ſaid Precepts to him directed to make ſuch Inquiries, that he ſhall forfeit to the King xx. li. for every Default, and moreover ſhall make Fine and Ranſom to the King.

The Juſtices Precept to the Sheriff to return a Jury to inquire of forcible Entries.

Juror to have 40 s. per Ann.

The Sheriff's Penalty for omitting his Duty.

'V. And that as well the Juſtices or Juſtice aforeſaid, as the Juſtices of Aſſiſes, and every of them, at their coming into the Country to take Aſſiſes, ſhall have, and every of them ſhall have, Power to hear and determine ſuch Defaults and Negligences of the ſaid Sheriffs and Bailiffs, and every of them, as well by Bill at the Suit of the Party grieved for himſelf as for the King, to ſue by Indictment only to be taken for the King. And if the Sheriff or Bailiff be duly attainted in this Behalf by Indictment, or by Bill, that he which ſueth for himſelf and for the King have the one Moiety of the Forfeiture of xx. li. together with his Coſts and Expences. And that the ſame Proceſs be made againſt ſuch Perſons indicted or ſued by Bill in this Behalf, as ſhould be againſt Perſons indicted or ſued by Writ of Treſpaſs done with Force and Arms againſt the Peace of the King.

What Action may be had againſt him who doth put out, or keep out of Poſſeſſion with Force. Savil 68. 1 H. 7. f. 19. 6 H. 7. f. 12. 10 H. 7. f. 9. 15 H. 7. f. 17. Dyer, f. 142. Fitz. Ent. 15, 16, 17, 18, 21, 27, 33, 39, 45. 10 H. 7. f. 12. 10 Ed. 4. f. 10. Dyer, 214. Fitz. Dam. 23, 25. 10 Co. 116. 11 Co. 30. Cro. El. 93, 96, 106, 697. 22 H. 6. f. 18. Kel. f. 74. a. 187. 14 H. 7. f. 28. Dyer, f. 141. Bro. Force, 22. 1 Bulſt. 218. 2 Leon. 52. Co. pl. f. 315.

'VI. And moreover, if any Perſon be put out, or diſſeiſed of any Lands or Tenements in forcible Manner, or put out peaceably, and after holden out with ſtrong Hand; or, after ſuch Entry, any Feoffment or Diſcontinuance in any wiſe thereof be made, to defraud and take away the Right of the Poſſeſſor; that the Party grieved in this Behalf ſhall have Aſſiſe of *Novel diſſeiſin*, or a Writ of Treſpaſs againſt ſuch Diſſeiſor. And if the Party grieved recover by Aſſiſe, or by Action of Treſpaſs, and it be found by Verdict, or in other Manner by due Form in the Law, that the Party Defendant entered with Force into the Lands and Tenements, or them after his Entry did hold with Force, that the Plaintiff ſhall recover his Treble Damages againſt the Defendant; and moreover, that he make Fine and Ranſom to the King. And that Mayors, Juſtices or Juſtice of Peace, Sheriffs, and Bailiffs of Cities, Towns, and Boroughs, having Franchiſe, have in the ſaid Cities, Towns, and Boroughs, like Power to remove ſuch Entries, and in other Articles aforeſaid, riſing within the ſame, as the Juſtices of Peace and Sheriffs in Counties and Countries aforeſaid have.

The Authority of the chief Officers in Cities, &c. to repreſs Force. Inforced and explained by 31 El. c. 11.

'VII. Provided always, That they which keep their Poſſeſſions with Force in any Lands and Tenements, whereof they or their Anceſtors, or they whoſe Eſtate they have in ſuch Lands and Tenements, have continued their Poſſeſſions in the ſame by three Years, or more, be not endamaged by Force of this Statute.'

They may keep their Land by Force, who have had three Years Poſſeſſion. 1 Salk. 356. 1 Inſt. 257. 5 R. 2. ſtat. 1. c. 7. 4 H. 4. c. 8. 23 H. 8. c. 14. and ſee 21 Jac. 1. c. 15. which enables Juſtices to give Reſtitution in certain Caſes.

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Et qe auxbien les Juſtices ou Juſtice avauntditz come les Juſtices des aſſiſes a lour venir en pais pur aſſiſes prendre eient & cheſcun de eux ait poair doier & terminer tielx defautes & negligences des ditz viſcontz & baillifs & cheſcun de eux auxibien par bille al ſuite del partie greve pur luy meſme come pur le Roy a ſuier come par enditement a prendre pur le Roy ſoulement. Et ſi le viſcount ou bailly ſoit duement atteint en celle partie par enditement ou par bille qe celuy qi ſue pur luy & pur le Roy eit une moitee de la forfaiture de xx. l. enſemblement ove ſes coſtages & expenſes. Et qe meſme la proceſſe ſoit fait vers tielx enditees ou ſuez par bille en celle partie ſicome ſerroit vers enditez ou ſuez par briefe de treſpaſs fait ove force & armes encountre la peas du Roy.

Et outre ceo ſi aſcun perſone ſoit ouſte ou diſſeiſie daſcuns terres ou tenementz ove forcible manere ou ouſte peiſiblement & apres tenuz dehors ove forte main ou apres tielle entre aſcun feoffement ou diſcontinuance en aſcune manere ent ſoit fait pur defrauder & toller le droit del poſſeſſour qe la partie greve en celle partie eit aſſiſe de novell diſſeiſeine ou briefe de treſpas vers tiel diſſeiſour. Et ſi la partie greve recovere par aſſiſe ou par action de treſpaſs & trove ſoit par verdit ou en autre manere par due forme en ley qe la partie defendant entra ove force en terres & tenementz ou eux par force apres ſon entree tiendra qe le pleyntif recovera ſes damages au treble vers le defendant & outre ceo qil face fyn & raunceon au Roy. Et qe mairs juſtices ou juſtice de peas viſcountz & baillifs des citees villes & burghs aiantz franchiſe eient en les ditz citees villes & burghs autiel poair de tielx entrees ouſtier & en autres articles deſuiſdites emergentz deinz ycelles come ount les juſtices de peas & viſcountes en countees & pais ſuiſdites.

Purveu toutz foitz qe ceux qi gardent par force lour poſſeſſions en aſcuns terres ou tenementz dount ils ou lour aunceſtres ou ceux queux eſtat ils ount en tiels terres & tenementz ount contenuz lour poſſeſſions en ycelles par trois ans ou pluis ne ſoient my endamagez par force de celle eſtat.

CAP. X.

Proceſs awarded againſt thoſe which dwelling in foreign Counties be indicted or appealed.

Inforced by 10 H. 6. c. 6. 3 Inſt. 31. The Inconveniencies of indicting or appealing any Perſon in one County that is converſant in another.

"ITEM, Our Lord the King conſidering how diverſ Perſons for their private Revenge, and not of Right, maliciouſly by ſubtile Imagination have cauſed and procured many of his faithful liege People falſly to be indicted and appealed of ſeveral Treaſons, Felonies, and Treſpaſſes, before Juſtices of the Peace, and other Commiſſioners and Juſtices, and others having Power to take Indictments or Appeals in divers foreign Counties, Liberties, and Franchiſes of *England* in which the ſaid Lieges be not, nor at any Time were, converſant nor dwelling; by Force of which Indictments and

ITEM noſtre Seignur le Roy conſiderant coment diverſes perſones pur lour ſinguler vengeance & nient de droit maliciouſment par ſotile ymagination ount faitz & procurez de fauxment enditer & appeller diverſez de ſez foialx lieges de diverſes treſons felonies & treſpas devaunt juſtices de peas & autres commiſſioners & juſtices & autres aiantz poair de prendre enditementz ou appelles en diverſes foreins countees libertees & fraunchiſes dEngleterre es queux les ditz lieges ne ſount ne unqes feuſſent converſantz ne demurantz par force des queux enditementz & appelles

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pelles & les proceſſes ſur eux faitz en les ditz countees fraunchiſez & libertees les ditz perſones enſy enditez ount eſte & de jour en autre ſount mys en exigent & puis utlagez & ſur ceo lour biens & chatieux terres & tenementz forfaitz & eux en grande perile de lour vies la ou les ditz perſones enſy enditez appellez ou mys en exigent ou utlagez navoient unqs coniſſance de tielx enditementz apellez exigentz ne utlagaries les queux fauxine & malice de jour en autre habundent & encreſcent en divers countees libertees & fraunchiſes dEngleterre en graunt anienteſment perde & perpetuell deſtruction de pluſours de ſez ditz foialx & innocentz lieges & veriſemblable eſt dencreſcer en apres ſi remedie covenable ne ſoit ordene & purveu en celle partie.

Et pur ceo meſme noſtre Seignur le Roy de ſa grace eſpeciale & par auctoritee de ceſt parlement pur eaſe ſalvation & tranquillite de ſez foialx lieges de ceſt Roialme ad fait ordiner & eſtablir qe ſur cheſcun enditement ou appelle par la quelle aſcuns des ditz lieges demurrantz en autres countees qe la ou tiel enditement ou appelle ſoit ou ſerra pris de treſon felonie & treſpreſs apprendre en aprés devaunt juſtices de peas ou devaunt aſcun autre aiant poair de tielx enditementz ou appelles prendre ou autres commiſſioners ou juſtice en aſcun countee fraunchiſe ou libertee dEngleterre devaunt aſcun exigend' agarde ſur aſcun enditement ou appelle en la forme avauntdite aprendre qe maintenant apres le primere briefe de capias ſur cheſcun tiel enditement ou appelle agarde & retourne qe un autre briefe de capias ſoit agarde directe al viſcount del countee dount celluy qi eſt enſy enditez eſt ou fuiſt ſuppoſe deſtre converſant par meſme lenditement retournable devaunt meſmes les juſtices ou commiſſioners devaunt queux il eſt endite ou appelle a un certain jour conteinant la ſpace de trois mois de la date du dit darrein briefe ou les countes ſe teignent de mois en mois & la ou les countes ſount tenuz de ſys ſepmains en ſys ſepmains ait leſpace de quatre mois tanqal jour de retourne de meſme le briefe par quel briefe de ſeconde Capias ſoit contenuz & comaunde a meſme le viſcount de prendre celuy qi eſt enſy endite ou appelle par ſon corps ſil poet eſtre trove deinx ſa baillie. Et ſil ne poet mye eſtre trove deins ſa baillie qe le dit viſcount face proclamation en deux countees devaunt le retourne de meſme le briefe qe celuy qeſt enſy endite ou appelle appierge devaunt les ditz juſtices ou commiſſioners en le countee libertee ou franchiſe ou il eſt endites ou appellez al jour contenu en le dit darrein briefe de Capias a reſpoundre a noſtre dit Seignur le Roy & au partie de la felonie treſon ou treſpaſſe dount il eſt enſy enditez ou appellez apres quel ſecond briefe de Capias enſy ſervy & retournee ſi celuy qi eſt enſy enditez ou appellez ne veigne al jour de meſme le briefe de Capias retourne ſoit exigend' agardez envers tielx endites ou appellez & cheſcun de eux.

Et ſi aſcun exigend' enapres ſoit agarde ſur aſcun tiel enditement ou appelle countre la fourme avauntdite ou aſcun utlagarie ſur ceo pronunciez ſoit ſibien cell exigend' enſy agarde come la utlagarie ſur ceo pronuncie & cheſcun de eux tenuz pur

" Appeals, and the Proceſſes upon them made in the " ſaid Counties, Franchiſes, and Liberties, the ſaid " Perſons, ſo indicted, have been, and daily be put " in *Exigent*, and after outlawed, and thereupon their " Goods and Chattles, Lands and Tenements for- " feit, and they in great Jeopardy of their Lives, " whereas the ſaid Perſons ſo indicted, appealed, or " put in *Exigent*, or outlawed, had never Know- " ledge of ſuch Indictments, Appeals, *Exigents*, or " Outlawries; which Falſhood and Malice daily " doth abound and increaſe in divers Counties, Li- " berties, and Franchiſes of *England*, in great Hinder- " ance, Loſs, and perpetual Deſtruction of many " of his ſaid faithful and innocent liege People, and " very likely to increaſe hereafter, if convenient Re- " medy be not ordained and provided in this Behalf."

Proceſs upon Indictments of Perſons dwelling in foreign Counties. 10 H. 6. c. 6.

' II. And therefore the ſame our Lord the King, ' of his ſpecial Grace, and by Authority of this Par- ' liament, for Eaſe and Tranquility of his faithful ' Lieges of this Realm, hath cauſed to be ordained ' and ſtabliſhed, That upon every Indictment or Ap- ' peal by the which any of the ſaid Lieges dwelling ' in other Counties than there where ſuch Indictment ' or Appeal is or ſhall be taken of Treaſon, Felony, ' and Treſpaſs, to be taken hereafter before the Juſ- ' tices of Peace, or before any other having Power to ' take ſuch Indictments or Appeals, or other Commiſ- ' ſioners or Juſtices in any County, Franchiſe, or Li- ' berty of *England*, before any Exigent awarded upon ' any Indictment or Appeal in the Form aforeſaid to ' be taken, that preſently after the firſt Writ of *Capias* ' upon every ſuch Indictment or Appeal awarded and ' returned, that another Writ of *Capias* be awarded, ' directed to the Sheriff of the County, whereof he ' which is ſo indicted is or was ſuppoſed to be con- ' verſant by the ſame Indictment, returnable before the ' ſame Juſtices or Commiſſioners before whom he ' is indicted or appealed at a certain Day, containing ' the Space of Three Months from the Date of the ' ſaid laſt Writ, where the Counties be holden from ' Month to Month; and where the Counties be holden ' from Six Weeks to Six Weeks, he ſhall have the ' Space of four Months, until the Day of the Return ' of the ſame Writ; by which Writ of ſecond *Ca-* ' *pias*, be it contained and commanded to the ſame ' Sheriff, to take him which is ſo indicted or appealed, ' by his Body, if he can be found within his Baili- ' wick; and if he cannot be found within his Baili- ' wick, that the ſaid Sheriff ſhall make Proclamation ' in two Counties before the Return of the ſame ' Writ, that he which is ſo indicted or appealed ' ſhall appear before the ſaid Juſtices or Commiſſioners ' in the County, Liberty, or Franchiſe where he is ' indicted or appealed, at the Day contained in the ' ſaid laſt Writ of *Capias*, to anſwer to our Lord the ' King, or to the Party, of the Felony, Treaſon, or ' Treſpaſs, whereof he is ſo indicted or appealed; ' after which ſecond Writ of *Capias* ſo ſerved and ' returned, if he which is ſo indicted or appealed ' come not at the Day of the ſame Writ of *Capias* re- ' turned, the *Exigent* ſhall be awarded againſt ſuch ' Perſons indicted or appealed, and every of them.

1 Ed. 4. f. 1. 19 H. 6. f. 1. Fitz. Proceſs, 192.

' III. And if any Exigent hereafter be awarded ' upon any ſuch Indictment or Appeal againſt the ' Form aforeſaid, or any Outlawry be upon that pro- ' nounced, as well the *Exigent* ſo awarded, as the Out- ' lawry upon that pronounced, and every of them, ' ſhall

Hob. 166. 3 Co. 59.

'shall be holden for none and void; and that the 'Party upon whom such Exigent against the Form 'aforesaid is awarded, or Outlawry pronounced, be 'not endamaged, nor put to Loss of his Goods or 'Chattles, Lands, or Tenements, nor of his Life.

6 H. 6. c. 1. An Action upon the Case maintainable by the Party indicted or appealed against the Procurer of the same. Kel. f. 21. Rast. 123.

'IV. Provided always, That the Statute made in 'the last Parliament, of Processes to be made in such 'Case before the King in his Bench, stand in his Force. 'And moreover, the same our Lord the King 'hath granted by Authority aforesaid, That every 'Person indicted or appealed in the Form aforesaid 'from henceforth, after that he be duly acquit by 'Verdict, that he shall have a Writ and Action upon 'his Case, against every Procurer of such Indictments 'or Appeals; and like Process shall be upon and in 'the same Writ, as in a Writ of Trespass done with 'Force and Arms; and if such Procurer be at-'tainted in his Behalf, that the Plaintiff shall recover 'his treble Damages.

'V. Provided always, That this Ordinance shall 'not extend to Indictments or Appeals taken or to be 'taken within the County of *Chester*.

A Man indicted or appealed in the Country where he is conversant shall be prosecuted as formerly.

'VI. Provided also, That if any of the said Lieges, 'or any of their Heirs, be or shall be appealed or in-'dicted of Felony or Treason, and at the Time of the 'same Felony or Treason supposed, he is and was 'conversant within the County whereof the Indictment 'or Appeal maketh Mention, the like Process be made 'against such Person so indicted or appealed, as hath 'been used always before this Time.'

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null & voide & qe la partie sur qi tiel exigend' encountre la fourme avaundite soit agarde ou utlagarie pronuncie ne soit endamage ne mys & perde de ses biens ou chatieux terres ou tenementz ne de sa vie.

Purveu toutz soitz qe lestatut fait en le darrein parlement des processes affairs en tielx cases devaunt le Roy en son Bank estoise en sa force. Et enoutre mesme nostre Seignur le Roy ad grantee par auctorite suisdite qe chescun enditez ou appelle en la fourme avauntdite de cy enavaunt apres ceo qil soit par verdit duement acquitee qil eite briefe & action sur son cas envers chescun procurour de tielx enditementz ou appellez & soit autiele processee sur & en mesme le briefe come en briefe de trespas fait ove force & armes & si tiel procurour soit atteint en celle partie qe le pleintif recovere sez damages au treble.

Purveu toutz soitz qe cest ordinance ne se extende mye as enditementz ou appellez prisez ou apprendrez deinz le countee de Cestre.

Purveu auxi qe si ascun des ditz lieges ou ascun de lour heirs soit ou serra appelle ou enditez de felonie ou treson & au temps de mesme le felonie ou treson supposez est ou feust conversaunt deinz le countee dount lenditement ou appelle fait mention qe autielle processe soit fait vers tiel endite ou appelle come ad este use devaunt ces heurs.

CAP. XI.

The Citizens of *London* may take Apprentices according to their ancient Customs. *See Appendix.*

CAP. XII.

No Judgement or Record shall be reversed for any Writ, Process, *&c.* rased. What Defects in Records may be amended by the Judges, and what not.

No Judgement nor Record shall be reversed nor avoided for any Writ, Return, Process, *&c.* rased or interlined. Dyer 105, 180, 225, 232, 260, 342. 5 Co. 45. 8 Co. 138. Cro. Jac. 119. Cro. Car. 271.

'ITEM our Lord the King hath ordained and 'established by the Authority of this present Parliament, That for Error assigned, or to be assigned, in any Record, Process, or Warrant of Attorney, Original Writ or Judicial, Panel or Return, in any Places of the same rased or interlined, or in any Addition, Substraction, or Diminution of Words, Letters, Titles, or Parcel of Letters, found in any such Record, Process, Warrant of Attorney, Writ, Panel, or Return, which Rasings, Interlinings, Addition, Substraction, or Diminution, at the Discretion of the King's Judges of the Courts and Places, in which the said Records or Process by Writ of Error, or otherwise, be certified, do appear suspected, no Judgement nor Record, shall be reversed nor adnulled.

The Judges may reform all Defects in Records which be Misprision of the Clerk. 14 Ed. 3. stat. 1. c. 6. 9 H. 5. c. 4. 4 H. 6. c. 3. 8 H. 6. c. 15. 4 Mod. 6, 247.

'II. And that the King's Judges of the Courts and 'Places in which any Record, Process, Word, Plea, 'Warrant of Attorney, Writ, Panel, or Return, which 'for the Time shall be, shall have Power to examine 'such Records, Process, Words, Pleas, Warrants of 'Attorney, Writs, Panels, or Return; by them and 'their Clerks, and to reform and amend (in Affirmance 'of the Judgements of such Records and Processes) all 'that which to them in their Discretion seemeth to be 'Misprision of the Clerks in such Record, Processes,

ITEM nostre Seignur le Roy ad ordine & estable par auctorite de cest present parlement qe pur errour assigne ou assigner en ascune recorde processe garaunt dattourn brief original ou judicial panell ou retourne en ascuns lieux dicelx rasez ou entrelinez ou en ascun addition subtraction ou diminution des paroles lettres titles ou parcelles des lettres troves en ascun tiel recorde processe garraunt dattourne brief panell ou retourne queux rasures entrelinez addition subtraction ou diminution al discretion des Juges le Roi des courtes & places en queux les ditz recordes ou processe par briefe derrour ou autrement sount certifiez appiergent suspectz ne soit ascune juggement ne recorde reverse ne adnulle.

Et qe les Juges le Roi des Courtes & places en queux ascun recorde processe parole plee garaunt dattourne brief panell ou retourne pur le temps soit eient poair dexaminer tielx recordes processe paroles plees garrauntz dattourne brief panell & retourne par eux & lour clerks & de reformer & amender en affermance des juggementz de tielx recordes & processe tout ceo qe a eux en lour discretion semble estre mesprision de clerk en tielx recordes processe parole plee garraunt

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garraunt dattourne brief panell & retourne forſpriſe appelez en litementz de treſon & des felonies & lutlagaries dicelles & la ſubſtance de propres nouns ſurnouns & additions entreleſſez en briefs originalx briefs dexigent ſolonqe leſtatut autre foitz fait lan ſeconde le Roi HENRI pier noſtre Seignur le Roi qor eſt & en autres briefs contenantz proclamation Iſſint qe par tiel meſpriſion de clerk ne ſoit aſcun juggement reverſe ne adnulle. Et ſi aſcun recorde proceſſe briefe garraunt dattourne retourne ou panel ſoit certifie defective autrement qe accordant a la ſcripture qe ent demoert en les Treſorie Courtes ou lieux dount ils ſount certifiez eient les parties en affermance des juggementz de tielx recorde & proceſſe avauntage delegger qe meſme la ſcripture eſt variaunt al dit certificate & ceo trove & certifie ſoit meſme la variance par les ditz Juges refourme & amende accordant a dit primer ſcripture.

Et outre ceo eſt ordine qe ſi aſcun recorde ou parcell dicel brief retourne panell proceſſe ou garaunt dattourne en les Courtes le Roi de Chauncellarie Eſcheqer lun bank ou lautre ou en ſa treſorie ſoit voluntierment emble emporte retreit ou avoide par aſcun clerk ou autre perſone a cauſe de quell aſcun juggement ſoit reverſe qe tiel emblour emportour retreiour & avoidour lour procuratours counſeillours & abbettours ent enditez & par proceſſe ſur ceo fait ent duement convictz par lour propre confeſſion ou par enqueſte apprendre des loialx hommes dount la moite ſoit des hommes daſcun Courte de meſme les Courtes & lautre moite dautres ſoient adjuggez pur felons & encourgent la peine de felonie. Et qe les Juges de les ditz Courts de lun bank ou lautre eient poair doier & terminer tielx defautes devaunt eux & dent faire punition come devaunt eſt dit.

Purveu toutz foitz qe ſi aſcun tiel recorde proceſſe briefe garraunt dattourne panell ou retourne ou parcell dicel ſoit a preſent ou en apres ſerra exemplifie en la Chauncellarie le Roi ſoubz ſon graunde ſeal & tiel exemplification illoeqes de recorde enrolle ſaunz aſcun raſure en une meſme lieu en meſme lexemplification & lenrollement dicell qe alors pur null errour aſſigne ou aſſigner en les ditz recordes proceſſes briefs garaunt dattourne panell ou retourne en aſcun lettre parole clauſe ou matier dicell variaunt ou contrariaunt a dite exemplification & lenrollement ne ſoit nulle juggement des ditz recordes & proceſſe reverſe ne adnulle.

'Word, Plea, Warrant of Attorney, Writ, Panel, and Return; except Appeals, Indictments of Treaſon and of Felonies, and the Outlawries of the ſame, and the Subſtance of the proper Names, Surnames, and Additions left out in Original Writs and Writs of Exigent, according to the Statute another time made the Firſt Year of King HENRY, Father to our Lord the King that now is, and in other Writs containing Proclamation; ſo that by ſuch Miſpriſion of the Clerk no Judgement ſhall be reverſed nor adnulled. And if any Record, Proceſs, Writ, Warrant of Attorney, Return, or Panel be certified defective, otherwiſe than according to the Writing which thereof remaineth in the Treaſury, Courts, or Places from whence they be certified, the Parties in Affirmance of the Judgements of ſuch Record and Proceſs ſhall have Advantage to alledge, that the ſame Writing is variant from the ſaid Certificate, and that found and certified, the ſame Variance ſhall be by the ſaid Judges reformed and amended according to the firſt Writing.

What Defects in Records may not be amended. 27 El. c. 5. 1 H. 5. c. 5.

Variance alledged between a Record and the Certificate thereof, ſhall be by the Judges amended.

'III. And moreover it is ordained, That if any Record, or Parcel of the ſame Writ, Return, Panel, Proceſs, or Warrant of Attorney in the King's Courts of Chancery, Exchequer, the one Bench or the other, or in his Treaſury, be willingly ſtolen, taken away, withdrawn, or avoided by any Clerk, or by other Perſon, becauſe whereof any Judgement ſhall be reverſed, that ſuch Stealer, Taker away, Withdrawer, or Avoider, their Procurators, Counſellors, and Abettors, thereof indicted, and by Proceſs thereupon made thereof duly convict by their own Confeſſion, or by Inqueſt to be taken of lawful Men, whereof the one half ſhall be of the Men of any Court of the ſame Courts, and the other half of other, ſhall be judged for Felons, and ſhall incur the Pain of Felony. And that the Judges of the ſaid Courts of the one Bench or of the other, have Power to hear and determine ſuch Defaults before them, and thereof to make due Puniſhment as afore is ſaid.

Imbezilling of a Record, whereby any Judgement ſhall be reverſed, is Felony. 8 R. 2. c. 4. 8 Co. 160. 2 Roll. 44.

'IV. Provided always, That if any ſuch Record, Proceſs, Writ, or Warrant of Attorney, Panel, or Return, or Parcel of the ſame, be now, or hereafter ſhall be exemplified in the King's Chancery under the Great Seal, and ſuch Exemplification there of Record inrolled without any Raſing in the ſame Place in the Exemplification and the Inrollment of the ſame, that another Time for any Error aſſigned, or to be aſſigned in the ſaid Record, Proceſs, Writ, Warrant of Attorney, Panel, or Return, in any Letter, Word, Clauſe, or Matter of the ſame varying, or contrary to the ſaid Exemplification and the Inrollment, there ſhall be no Judgement of the ſaid Records and Proceſs reverſed nor adnulled.'

A Record exemplified under the Great Seal, and inrolled in the Chancery, not to be reverſed.

See farther 10 *H.* 6. c. 4. 18 *H.* 6. *and what not.*

c. 9. 5 *El. c.* 23. *and* 4 *Ann. c.* 16. *what Defects may be amended*

CAP. XIII.

There ſhall not be excepted in the Protections of thoſe that ſhall go with the King into *France*, Aſſiſe of *Novel Diſſeiſin*. *See Appendix.*

CAP.

CAP. XIV.

Riotous Perſons committing of Felonies, and then fleeing into ſecret Places.

2 H. 5. ſtat. 1. c. 9.

"ITEM, For that great and grievous Complaint was made to King HENRY, late King of *England*, Father to our Lord the King that now is, at his Parliament holden at *Leiceſter* the Second Year of his Reign, by the Commons of his Parliament aforeſaid, of divers Murders, Manſlaughters, Robberies, Batteries, Aſſemblies of People in great Number in Manner of Inſurrections, and of divers other Rebellions and Riots; and after ſuch Offences the ſaid Felons and Offenders did flee and withdraw themſelves to divers Woods and ſecret Places unknown, and elſewhere, to the Intent and Purpoſe to avoid the Execution of the Common Law, and that they might not be brought to anſwer according to the Proceſs of the Common Law: Whereupon the ſaid late King conſidering the aforeſaid Complaint, by the Advice and Aſſent of the Lords Spiritual and Temporal in the ſame Parliament aſſembled, did ordain and ſtabliſh, at the Requeſt of the ſaid Commons, That if any thereafter come into the Chancery, and make Complaint duly, that any ſuch Felon or Offender as aforeſaid hath fled or withdrawn him to any ſuch Place, or elſewhere, to the Intent aforeſaid, upon ſuch Complaint a Bill ſhall be ſufficiently made for the King. And the Chancellor of *England* for the Time being, after ſuch Bill to him delivered, if he may be duly informed that ſuch Bill containeth Truth, ſhall have Power by his Diſcretion to award a Writ of *Capias* at the Suit of our Lord the King, directed to the Sheriff of the County or Counties where the ſaid Murders, Manſlaughters, Robberies, Batteries, and other Offences be ſuppoſed by the ſaid Bill to be done and committed, returnable in the ſaid Chancery at a certain Day; and if the Perſons ſpecified in the ſaid Writ be taken by the ſaid Sheriff, or yield themſelves in the ſame Chancery, that then ſuch Perſons be put in Priſon or to Mainpriſe, according to the Diſcretion of the Chancellor; and moreover it ſhall be commanded to inquire of ſuch Offences, and upon that ſhall be done as the Law requireth. And if the Sheriff return at the Day of the *Capias* returnable, that the Perſons in the ſame compriſed, for any of the ſame Cauſes aforeſaid, cannot be taken by him, nor the ſame Perſons do yield themſelves in the ſaid Chancery, that then the ſaid Chancellor ſhall cauſe to be made a Writ of Proclamation, directed to the Sheriff, returnable in the King's Bench at a certain Day, that he make Proclamation in two Counties, that the Perſons named in the ſaid Writ come at the ſaid Day into the aforeſaid Bench, there to anſwer to the Matter compriſed in the ſaid Bill, upon Pain to be convict of the Matter compriſed within the ſaid Bill; and in every ſuch Writ of Proclamation ſhall be contained the Subſtance of the Matter compriſed in the ſaid Bill; and if they come not at the Day of ſuch Proclamation returned, then they ſhall be holden and adjudged for convict, and attainted as afore is ſaid; and if they come at the Proclamation it ſhall be inquired of them, and done in the Manner as afore is ſaid. Provided that the Suggeſtions of ſuch Riots be

Proceſs awarded againſt the Offenders.

Ex Rot. in Turr. Lond.

ITEM pur ceo qe graunde & grevouſe compleint fuiſt feit a Roi HENRI jadis Roi dEngleterre pier noſtre Seignur le Roi qoreſt a ſon parlement tenuz a Leyceſtr' lan de ſon regne ſeconde par les Communes de ſon parlement avauntdit de diverſes murdres homicides robories bateries aſſemblees des gentz en graunde noumbre par maner dinſurrections & de diverſes autres rebellions & riotes & apres tielx meffaites les ditz felouns & mesfaiſours ſenfurent & retraherent as diverſes boys & lieux covertez & diſconuz & aillours a lentent & purpos de voider lexecution de la commune ley & qils ne ſerroient meſnez a reſpounce ſolonc proces de la ley Sur qoy le dit nadgairs Roi conſiderant la ſuiſdit compleint par aſſent des Seignurs eſpirituelx & temporelx en meſme le parlement aſſemblez avoit ordinez & eſtabliez a la requeſt des ditz Communes qe ſi aſcuny en temps avenir veigne en la Chauncellarie & face compleint duement qe aſcun tiel felon ou malefaiſour come avaunt eſt dit ſen eſt fuy & retrahet a aſcun tiel lieu ou aillours al entent ſuiſdit ſoit ſur tiel compleint une bille ſufficeantment fait pur le Roy & eit le Chaunceller dEngleterre pur le temps eſteant apres tiel bille a luy livere ſil poet eſtre enformez duement tiel bille contener verite poair de faire ſolonc ſa diſcretion un brief de Capias a la ſuite du Roy direct al viſcont de countee ou countees ou les dites murdres homicides robories bateries & autres mesfaitz ſount ſuppoſez par la dite bille eſtre faitz & perpetrez retournable en la dite Chauncellarie a certeine jour. Et ſi les perſones en le dit brief contenuz ſoient priſez par le dit viſcount ou ſoy reddent en meſme la Chauncellarie qadonqes ſoient tielx perſones mys en garde ou a maynpriſe ſolonc la diſcretion du Chaunceller & outre ſoit maunde denquerer de tielx mesfaitz & ſur ceo ſoit fait come la ley demaunde. Et ſi le viſcounte retourne a jour de Capias retournable qe les perſones en icell compriſez par aſcun de les cauſes ſuiſdites ne purront eſtre par luy priſez ne meſmes les perſones ne ſoi rendent en la dite Chauncellarie qadonqes face le dit Chaunceller faire briefe de proclamation direct a dit viſcounte retournable en bank le Roi a certein jour qil face proclamation en deux countees qe les perſones en le dit brief nomez veignent a dit jour en le ſuiſdit bank pur y reſpoundre a la matier compriz deinz la dite bille ſur peyne deſtre convictez de la matier compriz deinz la dite bille & en cheſcun tiel brief de proclamation ſoit contenuz la ſubſtaunce de la matier compriz deins la dite bille & fils ne veignent a jour de tiel proclamation retourne ſoient adonqes tenuz & adjuggez pur convictez & atteintez come deſuis eſt dit. Et ſils veignent a la proclamation ſoit de eux enquis & fait en la maner come deſuis eſt dit. Purveu qe les ſuggeſtions de tielx riotes ſoient teſmoignez a le

Chaunceller

Ex Rot. in Turr. Lond.

Chaunceller dEngleterre par lettres enſealez deſoubz les ſealx de deux juſtices de pees au meins & le viſcounte del countee ou tielx riotes ſerront devaunt ceo qe tiel brief de Capias ſoit graunte en quell brief de Capias ſoit ſibien la matier expreſſe quele eſt compris deins meſme la bille comme en le brief de proclamation ent affaire. Et ſi tiel cas aveigne en le counte palatyn de Lancaſtr' ou aillours en fraunchiſe la ou il y ad Chaunceller & ſeal qadonqes le dit Chaunceller dEngleterre face eſcriver ou envoier par brief du Roi a le Chaunceller de tiel countee ou fraunchiſe tout la ſuggeſtion en la dite bille compriz commaundant a luy de faire tiel execution come en le dit article eſt compriz iffint tout foitz qe brief du Roi hors de la Chauncellar' dEngleterre ne courge en tiel countee ou fraunchiſe autrement qe nad eſtee uſee en temps paſſe. Et qe la dite ordinaunce eſtoiſeroit en ſa force tanqe al fin del proſchein parlement. Noſtre Seignur le Roi conſiderant qe diverſes murdres homicides robories bateries aſſemblees des gentz en graunde noumbre par maner de inſurrections & diverſes autres rebellions & riotes ount eſtee faitz en diverſes parties du Roialme puis la faiſaunce de dit eſtatuit nient puniſez a cauſe qe e dit eſtatuit ne tenoit force forſqe a la fin del parlement adonqes proſchein enſuant ad ordine & eſtablie par auctorite de ceſt preſent parlement qe la dit jadis eſtatuit ore ſoit tenuz & fermement gardez pur eſtatuit en tout temps avenir ſibien de murdres homicides robories bateries aſſemblees des gentz en graunde noumbre par maner de inſurrections & de divers autres rebellions & riotes faitz & perpetrez devaunt le commencement de ceſt preſent parlement come en temps avenir.

Purveu toutz foitz qe teſmoigne ſoit par deux juſtices de peas des countees ou tielx riotes ſerront ſuppoſez qe commune fame & voice court en meſmes les countees de icelx riotes devaunt ceo qe le brief de Capias ferra agarde. Purveu auxi qe ſi aſcun tiel caſe aveigne en le dit countee palatyn de Lancaſtre ou aillours en lieu enfraunchiſe la ou y ad Chaunceller & ſeal qe adonqes le dit Chaunceller de tiel countee ou lieu enfraunchiſe pur le temps eſteant apres compleint a luy duement fait & teſmoigne par juſtice ou lieutenant de juſtice & viſcount de tiel countee palatyn ou lieu enfraunchiſe pur le temps eſteant en la forme ſuiſditz eit ſemblable poair de agarder Capias & briefs de proclamation avauntditz come le dit Chaunceller dEngleterre pur le temps eſteant ad.

" ſignified to the Chancellor of *England* by Letters " ſealed under the Seals of two Juſtices of the Peace at " the leaſt, and the Sheriff of the County where ſuch " Riots ſhall be, before that ſuch Writ of *Capias* be " granted; in which Writ of *Capias* the Matter " which is compriſed within the ſame Bill ſhall be as " well expreſſed, as in the Writ of Proclamation there- " of to be made. And if ſuch a Caſe happen in the " County Palatine of *Lancaſter*, or elſewhere in Fran- " chiſes where there is a Chancellor and a Seal, that " then the ſaid Chancellor of *England* cauſe to be " written or ſent by the King's Writ to the Chancellor " of ſuch County or Franchiſe, all the Suggeſtion in " the ſaid Bill compriſed, commanding him to make " ſuch Execution as in the ſaid Article is compriſed; " ſo always that the King's Writ out of the Chancery " of *England* ſhall not run in ſuch County or Fran- " chiſe otherwiſe than hath been uſed in Time paſſed, " and that the ſaid Ordinance ſhall ſtand in his Force " till the End of the next Parliament. Our Lord " the King conſidering that divers other Murders, " Manſlaughters, Robberies, Batteries, Aſſemblies of " People in great Number in manner of Inſurrections, " and divers other Rebellions and Riots, have been " made in divers Counties of the Realm ſince the ma- " king of the ſaid Statute, not puniſhed, becauſe that " the ſaid Statute held no Force but until the End of " the Parliament then next following;" ' hath or- ' dained and ſtabliſhed, by Authority of this preſent ' Parliament, That the ſaid Statute ſhall now be kept, ' and firmly holden for a Statute for ever, as well of ' Murders, Manſlaughters, Robberies, Batteries, Aſ- ' ſemblies of People in great Number in manner of ' Inſurrections, and divers other Rebellions and Riots ' made and committed before the Beginning of this ' preſent Parliament, as in time to come.

The Statute of 2 H. 5. ſtat. 1. c 9. of thoſe that do commit Murder, &c. and after flee into Woods, made perpetual.

' II. Provided always, That it be teſtified by two ' Juſtices of the Peace of the Counties where ſuch ' Riots ſhall be ſuppoſed, that the common Fame and ' Voice runneth in the ſame Counties of the ſame ' Riots, before that the Writ of *Capias* ſhall be award- ' ed. Provided alſo, That if any ſuch Caſe happen ' in the ſaid County Palatine of *Lancaſter*, or elſe- ' where in a Place enfranchiſed, where there is a ' Chancellor and a Seal, that then the ſaid Chancellor ' of ſuch County or Place enfranchiſed, for the Time ' being, after Complaint to him duly made and teſti- ' fied by a Juſtice, or the Lieutenant of a Juſtice, ' and Sheriff of ſuch County Palatine or Place en- ' franchiſed, for the Time being, in the Form afore- ' ſaid, ſhall have like Power to award a *Capias* and a ' Writ of Proclamation aforeſaid, as the ſaid Chan- ' cellor of *England* for the Time being hath.'

A Proviſion where any of the ſaid Offences be committed in a Place enfranchiſed.

CAP. XV.

The Juſtices may in certain Caſes amend Defaults in Records.

ITEM ordeigne eſt & eſtablie qe les Juſtices du Roy devaunt queux aſcune miſpriſion ou defaute ſoit ou ſerra trove ſoit il en aſcun recordes & proceſſes qore ſount ou ſerrount pendantz devaunt eux ſibien par voie derrour come autrement ou en lez retournez dicelles faitz ou affairez par viſcounts coroners bailifs des fraunchiſes ou autres qeconqes par meſpriſion des clerks

' ITEM, it is ordained and eſtabliſhed, That the ' King's Juſtices, before whom any Miſpriſion or ' Default is or ſhall be found, be it in any Records and ' Proceſſes which now be, or ſhall be, depending be- ' fore them, as well by Way of Error as otherwiſe, or ' in the Returns of the ſame, made or to be made by ' Sheriffs, Coroners, Bailiffs of Franchiſes, or any ' other, by Miſpriſion of the Clerks, of any of the ſaid ' Courts

8 Co. 162. 1 Roll 447.

Ex Rot. in Turr. Lond.

‘ Courts of the King, or by Miſpriſion of the Sheriffs, ‘ Under-ſheriffs, Coroners, their Clerks, or other Of- ‘ ficers, Clerks, or other Miniſters whatſoever, in wri- ‘ ting one Letter or one Syllable too much or too lit- ‘ tle, ſhall have Power to amend ſuch Defaults and ‘ Miſpriſions according to their Diſcretion, and by Ex- ‘ amination thereof by the ſaid Juſtices to be taken ‘ where they ſhall think needful. Provided that ‘ this Statute do not extend to Records and Proceſſes ‘ in the Parts of *Wales*, nor to the Proceſſes and ‘ Records of *Outlawries* of Felonies, and Treaſons, ‘ and the Dependencies thereof.’

daſcuns des ditz Courtz du Roi ou par meſpri- ſion dez viſcountz ſoutz viſcountz coroners lour clercs ou autres offices clercs ou miniſtere qe- conqes en eſcrivant un lettre ou un ſilable trop ou trop poie aient poair damender tielx de- fautes & meſpriſions ſolonc lour diſcretion & par examination ent par les ditz Juſtices apren- dre ou lour ſemblera boſoignable. Purveu qe ceſt eſtatut ne ſe extende as recordes & pro- ceſſes es partie de Gales ne as recordes & pro- ceſſes dutlagaries des felonies & treſons & les dependantz dicelles.

Proceſſes in *Wales*, and Outlawries. 14 Ed. 3. ſtat. 1. c. 6. 8 *R.* 2. *c.* 4.

1 *H.* 5. *c.* 5. *what Defects may be amended, and what not.* 9 H. 5. ſtat. 1. c. 4. 4 H. 6. c. 3. 8 H. 6. c. 12. *See farther* 10 *H.* 6. *c.* 4. 18 *H.* 6. *c.* 9. 5 *Eliz. c.* 23. 27 *Eliz. c.* 5. *and* 4 *Ann. c.* 16.

CAP. XVI.

By what Perſons Eſcheators ſhall find an Office, and in what Time he ſhall certify it. A Patent made of Lands ſeiſed upon an Inqueſt.

An Eſcheator ſhall take no Inqueſt, but by ſuch Perſons as be returned by the Sheriff. Raſt, p. 315.

“ ITEM, To eſchew the Dolours, Grievances, and “ Diſheriſons, which daily do happen to many of “ the King’s liege People by the Eſcheators, for that “ they take Inqueſts, to enquire before them, as well “ by Virtue of the King’s Writs, as of their Offices, “ favourably and not duly, by People not impanelled “ nor returned to them by the Sheriffs of the Counties, “ and more often for their private Gain, and for the “ Diſheriſon of the King’s liege People, than for the “ Profit of the ſame our Lord the King, and alſo “ for that the Lands and Tenements of many of the “ King’s liege People be ſeiſed into the King’s Hands “ upon ſuch Inqueſts, or let to ferm by the Chancellor “ or Treaſurer, before ſuch Inqueſts be returned in the “ Chancery;” ‘ our Lord the King hath ordained, ‘ by the Authority of this preſent Parliament, that no ‘ Eſcheator or Commiſſioner take in any wiſe any In- ‘ queſt to inquire, but of People returned and impa- ‘ nelled by the Sheriffs in the County within which ‘ he is Eſcheator or Commiſſioner. And if any ‘ Eſcheator or Commiſſioner take Inqueſts of People, ‘ which be not impanelled nor returned by the Sheriff, ‘ as is afore ſaid, and thereof by Examination, or ‘ otherwiſe, at the Suit of the Party, which for him- ‘ ſelf or for the King, or any other Perſon that will ‘ ſue, be duly convict, for every Inqueſt ſo taken that ‘ he incur the Pain and Forfeiture of xl. li. to be paid, ‘ that is to ſay, the one Half to the King, and the ‘ other Half to the Party grieved, at whoſe Suit he ſhall ‘ be convict. And that no Lands nor Tenements ‘ ſeiſed into the Hand of our Lord the King, upon ‘ ſuch Inqueſt taken before the Eſcheators or Com- ‘ miſſioners, be not in any wiſe let or granted to ferm ‘ by the Chancellor or Treaſurer of *England*, or any ‘ other the King’s Officer, until the ſame Inqueſts and ‘ Verdicts be fully returned in the Chancery, or in ‘ the Exchequer, but all ſuch Lands and Tene- ‘ ments ſhall intirely and continually remain in the ‘ Hands of our Lord the King, until the ſaid Inqueſts ‘ and Verdicts be returned, and by a Month after the ‘ ſame Return, if it be not ſo that he or they which ‘ feel them grieved by the ſame Inqueſts; or putting ‘ out of their Lands or Tenements, come into the ‘ Chancery, and profer themſelves to traverſe the ſaid ‘ Inqueſts, and then offer to take the ſame Lands or

ITEM pur eſchuer lez dolours grevancez & diſ- heretiſons qi de jour en autre aveignant as plu- ſours lieges noſtre Seignur le Roy par les eſchetours de ceo qils preignent enqueſtes denquerer devaunt eux ſibien par vertue des briefs noſtre Seignur le Roy come de lour office favourablement & noun duement par gentz nient empanellez ne retournez a eux par les viſcountz des countes & pluiſtoſt pur lour propre gayne & pur diſheretiſon des lieges no- ſtre Seignur le Roy qe pur profit meſme noſtre Seignur le Roy Et auxi de ceo qe les terres & tene- mentz des pluſours lieges noſtre Seignur le Roy ſount ſeiſez es mains noſtre Seignur le Roy ſur tielx enqueſtes & autres & leſſez par le Chaunceller ou Treſorer a ferme devaunt ceo qe meſmes les enque- ſtes ſoient retournez en la Chancellarie noſtre Seignur le Roy eſt ordine par auctorite de ceſt pre- ſent parlement qe nul eſchetour ne commiſſioner preigne aſcunement aſcun enqueſt denquerrer ſinon des gentz retournez & empanellez par le viſcount en le counte deins quell il eſt eſchetour ou commiſ- ſioner. Et ſi aſcun eſchetour ou commiſſioner preigne enqueſte des gentz qi ne ſount mye enpa- nellez ne retournez par le viſcount come deſuis eſt dit & ent par examination ou autrement al ſuite de partie qe pur luy meſmes ou par le Roy ou autre perſone qeconqe voille purſuer ſoit convict due- ment pur cheſcun enqueſt enſy priz qe encourage la peine & forfaiture de xl. li. a paiers ceſtaſſaver lun moite au Roi & lautre moite au partie a qi ſuyte il ſerra convict. Et qe nulles terres ne te- nementz ſeiſez es mayns noſtre Seignur le Roy ſur enqueſtez priſez devaunt les eſchetours ou com- miſſioners ne ſoint aſcunement leſſez ne grauntez a ferme par le Chaunceller ou Treſorer dEngleterre ou autre officer noſtre Seignur le Roi qiconqe tanqe qe meſmes les enqueſtes & verditz ſoient retournez pleinement en la Chauncellarie ou en leſchequer mes demoergent toutz tielx terres & tenementz en- tierment & continualment es mains noſtre Seignur le Roy tanqe les ditz enqueſtes & verditz ſoient re- tournez & par un mois apres meſme le retourne ſi iſſint ne ſoit qe celuy ou ceux qi ſente ou ſentent eux grevez par meſmes les enqueſtes ou ouſtez de lour terres ou tenementz veignent en la Chauncellarie &

When Lands ſeiſed into the King’s Hands upon an Inqueſt of Office, ſhall be let to ferm. 18 H. 6. c. 6.

The Lands ſhall be let to ferm to him that tendereth a Traverſe to the Office. 36 Ed. 3. *ſtat.* 1. c. 13. 1 H. 8. c. 10. 23 H. 6. c. 17. Kel. f. 178.

ſoy

Ex Rot. in Turr. Lond.

ſoy proferont de traverſer les ditz enqueſtes & ſoy offeront de prendre meſmes les terres & tenementz a ferme. Et qe ſi iſſint fount qe adonqes meſmes lez terres & tenementz ſoient commiz a eux ſils monſtrent bones evidencez provantz lour travers eſtre verrois ſolonc la fourme de leſtatut fait lan xxxj^e le Roy E. tiers puis le conqueſt a tenir tanqe liſſue ſur meſme le travers pris ſoit & diſcuſſu pur le Roy ou pur le partie trovant ſufficiant ſuerte de ſuir le dit travers ove effect & de rendre & paier a noſtre Seignur le Roy le annuel value des tenementz dont le travers enſi ſerra priz ſil ſoit diſcuſſe pur le Roy. Et ſi aſcuns lettres patentz des aſcuns terres ou tenementz ſoient faitz au contrarie a aſcuns autre perſone ou leſſez a ferme deins le dit moys apres le dit mois du retourne ſoient voidez & tenuz pur null. Et qe les eſchetours & commiſſioners ſur peine de forfaiture de xx. li. a paiers ceſtaſſavoir lun moite al Roi & lautre moite al partie a qi ſuyt il ſerra convict retournent en la Chauncellarie noſtre Seignur le Roy ou en leſchequer les enqueſtes devaunt eux priſez deins un moys proſcheyn apres la priſe dicelles. Et eyt cheſcun qi voet ſuyr pur le Roy la ſuyte en cell partie. Purveu toutz foitz qe ceſt eſtatut commence & preigne effect & force en la feſt de Paſqe proſchein avenir a durer perpetuelment & nemye devaunt.

‘ Tenements to ferm; and if they do ſo, that then
‘ the ſame Lands or Tenements be committed to them,
‘ if they ſhew good Evidence, proving their Traverſe
‘ to be true, after the Form of the Statute made the
‘ thirty-ſixth Year of King EDWARD III. after the 36 Ed. 3. *ſtat.* 1. c. 13.
‘ Conqueſt, to hold until the Iſſue taken upon the
‘ ſame Traverſe be found and diſcuſſed for the King,
‘ or for the Party, finding ſufficient Surety to purſue
‘ the ſaid Traverſe with Effect, and to render and pay
‘ to our Lord the King the yearly Value of the Lands
‘ where the Traverſe ſhall be ſo taken, if it be diſ-
‘ cuſſed for the King. And if any Letters Patents
‘ of any of the Lands or Tenements be made to the
‘ contrary to any other Perſon, or let to ferm within
‘ the ſaid Month, after the ſaid Month of Return,
‘ they ſhall be holden for none. And that the Eſcheators and Commiſſioners ſhall return an Office found before them.
‘ Eſcheators or Commiſſioners, upon Pain of the
‘ Forfeiture of xx. li. to be paid, that is to ſay, the
‘ one Half to the King, and the other Half to the 18 H. 6. c. 7.
‘ Party at whoſe Suit he ſhall be convict, return the
‘ Inqueſts before them taken into the Chancery of our
‘ Lord the King, or into the Exchequer, within a
‘ Month next after the taking of the ſame. And
‘ every Man which will ſue for the King ſhall have
‘ the Suit in this Behalf. Provided always, That
‘ this Statute begin and take Effect and Force in the *Farther provided for by* 1 H. 8. c. 8. *and* 2 & 3 *Ed.* 6. *c.* 8.
‘ Feaſt of *Eaſter* next coming, and not before, to
‘ endure for ever.’

CAP. XVII.

Wools, Fells, &c. ſhipped out of *England*, *Wales*, or *Ireland*, for any Place but *Calais*, ſhall be forfeited by the double, except by Merchants of *Jean*, *Venice*, &c. *See Appendix.*

CAP. XVIII.

Certain Ordinances made for the Prices of Merchandiſes, and Maintenance of the Town and Mint at *Calais*. *See Appendix.*

CAP. XIX.

If a Mariner ſhall receive into his Ship any Merchandiſes, or carry them to any other Place than to the Staple at *Calais*, the Goods and Ship ſhall be forfeited. *See Appendix.*

CAP. XX.

No Merchant of *Calais* ſhall buy beyond the Sea any Merchandiſe of our Staple. *See Appendix.*

CAP. XXI.

A Repeal of all Licences granted to Men of *Newcaſtle* and *Berwick*, to carry Merchandiſes to other Places than to *Calais*. The Penalty for carrying of Merchandiſes of the Staple into *Scotland*. *See Appendix.*

CAP. XXII.

What is requiſite to be done in winding and packing of Wool. None ſhall force, clack, or beard any Wool.

Ex Rot. in Turr. Lond.

ITEM pur ceo qe graunt arerifment aveigne au Roy de ſez cuſtumes & ſubſidies par ceux qi clakkent & forcent les bones lains du Roialme pur eux carier dehors dicell en eſtraunges paiis ordinez eſt qe null eſtraunger ne face forcer clakker ne barder null maner des leins pur carier hors du Roialme ſur peine de forfaiture de meſmes lez lains oveſqe le double value dicell & dempriſonement de ſon corps. Et qe null pakkur dez

“ ITEM, For as much as great Hinderance cometh
“ to the King in his Cuſtoms and Subſidies by
“ them that do clack and force the good Wools of the
“ Realm, to carry them out of the ſame into ſtrange
“ Countries;” ‘it is ordained, That no Stranger
‘ ſhall cauſe to be forced, clacked, nor bearded, any
‘ manner of Woolls, to carry them out of the Realm,
‘ upon pain of Forfeiture of the ſame Woolls, with
‘ the double Value of the ſame, and of Impriſonment

Ex Rot. in Turr. Lond.

‘ of his Body. And that no Wool-packer ſhall make ‘ within the Realm, but good and due packing; and ‘ that no Man make any Inwinding within the Fleece ‘ of Woolls at the rolling up of his Woolls, nor put ‘ in the ſame Locks, Peltwool, Tar, Stones, Sand, ‘ Earth, Graſs, nor any Dirt; and if any do, he that ‘ feeleth him grieved ſhall have his Action at the ‘ Common Law, of Treſpaſs and Deceit.’

lains ne face deins le dit Roialme forſqe bone & due pakkure ne qe null face null inwynde deins la teſone des lains a lenrollement de ſes lains ne mette en icell lokkes pelwoll tarre peers ſablon terre ne herbe ne null autre ordeur & qiqe le face eit la partie qe ſe ſente. greve envers luy ſa action a la commune ley de treſpas & deceit.

Farther provided for 3 Ed. 4. c. 1. 23 H. 8. c. 17. *See farther Index, tit.* Wool.

CAP. XXIII.

No Thrums of Woollen Yarn ſhall be carried out of the Realm.

“ ITEM, Becauſe the Weavers within this Realm “ be and heretofore have been accuſtomed, that “ when they wrought a Cloth near the End, to cut “ away for their private Profit the Thread which is “ left unwoven, and call the ſame Thrums, and to “ the great Deceit of the Owners of the ſame Cloths, “ they ſell the ſame Thrums to ſuch Perſons which “ carry them into *Flanders* and other Places as good “ Merchandiſes, though the King have thereof no “ Profit of Cuſtom nor Subſidy: For under the Co- “ lour of ſuch Thrums divers Perſons, as well “ Strangers as Denizens, do ingroſs and gather in “ divers Parts of the ſaid Realm, great Quantity of “ Woollen Thread, called Woollen Yarn, and the “ ſame do carry to the ſaid ſtrange Parts, and there- “ of make good Cloths; ſo that under this ſubtil “ Colour the King is yearly greatly defrauded of “ his Cuſtoms and Subſidies, which ought to riſe to “ him, if they were fully wrought within the ſaid “ Realm, or elſe if they were not wrought, but in “ Woolls brought to the Staple of *Calais*:” ‘ Where- ‘ fore it is ordained, That no Man ſhall carry or ‘ convey out of the ſaid Realm any Manner of ‘ Thrums, or Woollen Yarn under Colour of ‘ Thrums, upon pain to forfeit the double Value of ‘ the ſame.’

23 H. 6. c. 3.

ITEM pur taunt qe les textours deins le Roialme ſount & devaunt ces heours ount eſtez accuſtumez quant ils ount overez un drap bien pres le fin de trencher a part a lour ſinguler avantage les files qi demuront nient texez & les appellent thrommes a graunde deceit de ceux as queux les dit draps ſount & meſmes les thrommes vendount a tielx perſones qe icelles ameſnent en Flaundres & autres eſtraunges paiis come bone merchandiſe tut ſoit qe noſtre Seignur le Roy ent nad null profit de cuſtume ne ſubſidee qar deſoubz le colour de tielx thrommes diverſes perſones ſibien eſtraungiers come deinſzeins engrocent & coillent es diverſes parties du dit Roialme graunde quantite des files des fines lains appellez Wollenyarn & icelles ameſnent es dites eſtraunges parties & ent facent bones draps ency qe deſoubz ceſt ſubtile colour noſtre Seignur le Roy eſt cheſcun an graundement defraudez de ſez cuſtumes & ſubſidees qe a luy devoient ſourder ſils feuſſent pleinement oeverez deinz le dit Roialme ou autrement ſils ne feurent oeverez mes en lains ameſnez a leſtaple de Caleis. Pur qoy ordinez eſt qe null homme ne carie ne ameſne hors du Roialme null maner des thrommes ne files des lains appellez Wollenyarn deſoubz colour de thrommes ſur pain de forfaiture de la double value dicell.

CAP. XXIV.

None ſhall pay Merchants Aliens in Gold, but in Silver. Merchandiſe ſhall not be ſold to an Alien, but for preſent Payment.

“ ITEM, For that Merchants Aliens of late have “ taken in Cuſtom, that when they ſell any of “ their Merchandiſes to any Perſon within the Realm, “ they will not demand nor receive for any Payment “ for the ſame any manner of Silver, as they were “ wont, but only Gold Nobles, Half Nobles, and “ Farthings, which from Time to Time they do car- “ ry out of the Realm into other ſtrange Countries, “ where they be changed to their Increaſe, and forged “ in other Coins, ſo that they gain in the Allay of “ every Noble twenty Pence, againſt the Tenour “ of the Statutes thereof made, and to the great “ Prejudice of this whole Realm.”

No Man ſhall be compelled to pay Gold to a Merchant Alien. 4 H. 7. c. 23.

‘ II. Our Lord the King willing in this Caſe to ‘ provide Remedy, hath ordained, that no Merchant ‘ Alien ſhall conſtrain nor bind any of the King’s ‘ liege People by Promiſe, Covenant or Bond, to ‘ make him Payment in Gold for any Manner of Debt ‘ which to him may be due, nor refuſe to receive ‘ Payment in Silver for any Manner of ſuch Duty or

ITEM pur ceo qe les merchantz aliens jatarde ount priſe en cuſtume qe quant ils vendont aſcuns de lour merchandiſes a aſcun perſone deins le Roialme ils ne voillent demaunder ne receiver pur aſcun paiement pur icell null maner dargent ſicome ils ſoloient faire mes ſoulment or nobles dimi nobles & ferlyngs les queux de temps en temps ils ameſnent hors du Roialme en autres eſtraunges paiis lou ils ſount chaungiez a lour encrece & forgez en autres coignes enſy qils gaignent en lallaie de cheſcun noble xxd. encontre le tenure des eſtatutz ent faitz a graunde prejudice du Roi & de ſon Roialme univerſell.

Noſtre dit Seignur le Roi en ceo cas voillant purvoier de remedie ad ordine qe null marchant alien ne ſerra arter ne lier aſcun des lieges du Roi par pact covenant ne lige de luy faire paiement en or pur nulle manere de dette qi a luy poet eſtre due ne refuſe de receiver paiement en argent pur aſcun maner de tiel duete ou dette ſur peyn

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Ex Rot. in Turr. Lond.

de double value dicell. Et auxi pur eſcheuer le graunde perde qe divers perſones de ceſt Roialme ount euz & ſont ſemblables davoir par lour appreſtz faitz de lour merchandiſes as merchantz aliens qount enfuez ovec icelles & de jour en autre preignent ſanctuaries ordinez eſt qe null Englois ne vende deinz ceſt Roialme ne face vendre de ceſt jour en avaunt a null marchant alien null maner de merchandiſes mes ſoulement pur preſt paiement en moneye ou autrement en merchandiſes pur merchandiſes pur eſtre paiez & content en main ſur peyn de forfaiture dicell.

'Debt, upon the Pain of the double Value of the ſame. 'And alſo to eſchew the great Loſſes which divers 'Perſons of this Realm of *England* have had, and alſo 'be likely to have, for their Loans made of their Mer'chandiſes to Merchants Aliens, which have fled with 'the ſame, and daily take Sanctuaries, it is ordained, 'That no *Engliſhman* ſhall ſell within this Realm, 'or cauſe to be ſold hereafter, to any Merchant 'Alien, any Manner of Merchandiſes, but only for 'ready Payment in Hand, or elſe in Merchandiſes for 'Merchandiſes, to be paid and contented in Hand, 'upon pain of Forfeiture of the ſame.'

No Engliſhman ſhall ſell his Goods to a Merchant Alien, but for preſent Payment, or other Merchandiſe. *Altered by* 9 H. 6. c. 2.

CAP. XXV.

The Mayor of the Staple of *Calais* ſhall continue two Years in his Office. *See Appendix.*

CAP. XXVI.

The Penalty if in any Action the Defendant make Default to put the Lords, Mayors, *&c.* from their Juriſdiction.

ITEM ordinez eſt par auctorite deſuſdite qen toutz briefs daſſiſes & dactions perſonelx ſuez ou a ſuers devaunt le Roi en ſon bank Juſtices de commune Bank ou autres Juſtices le Roi qiconqe pur le temps eſteantz daſcuns terres tenementz ou autres choſes eſteant ou ſurdaunt deinz aſcuns Seignurie fraunchiſe ou auncien demeſne dount la conuſance ou juriſdiction doit aperteigner as aſcuns Seignurs mairs baillifs citezeins burgeys ou communalte de tielx Seignurs fraunchiſe ou auncien demeſne qe adonqes ſi aſcun defendant en aſcun tiel aſſiſe ou autres actions perſonelx face defaute pur ouſtier & excluder les ditz Seignurs mairs baillifs citezeins burgeys ou communalte de lour fraunchiſe ou conuſance qe les Juſtices al requeſt dez ditz Seignurs mairs baillifs citezeins burgeys ou communalte facen enquerer par laſſiſe ou tiel exception eſt alegge en aſſiſe & en actions perſonelx par enqueſtz apprendre devaunt les Juſtices ſi tielx defautes ſoient faitz come deſuis eſt dit ou nemye en queulx aſſiſe & enqueſt iſſint apprendre ſibien les pleintifs come les Seignurs mairs baillifs citezeins burgeys & communalte purront over lour chalaunge. Et ſi trove ſoit par tielx aſſiſe ou enqueſtes iſſint apprendres qe tielx defautes ſoient faitz par colluſion pur ouſtier & excluder les ditz Seignurs mairs bailifs citizeins burgeys ou communalte de lour fraunchiſe libertees conuſances ou juriſdiction qe en tielx caſes les ditz briefs ſoient abatuz & les pleintifs ſoient en la mercy le Roy par conſideration qil eſt ordine par leſtatuit fait lan du reigne le Roy HENRY Aiel noſtre Seignur le Roi ix^me^ qe ſi aſcun mair baillif communalte ou Seignur dauncien demene ſoit nome en briefs daſſiſe par colluſion par eux ouſtier de lour conuſance ou juriſdiction en cell partie qe les juſtices primes enquergent par laſſiſe du paiis de tiel colluſion ſi les ditz Seignurs mairs bailifs ou communalte le demandant. Et ſi trove ſoit par tiel inquiſition qils ſoient iſſint nomez par colluſion qadonqes le brief abatera.

'ITEM, It is ordained by the Authority aforeſaid, 'That in all Writs of Aſſiſes, and of Actions 'perſonal, ſued or to be ſued before the King in his 'Bench, Juſtices of the Common Place, or any 'other the King's Juſtices for the Time being, of any 'Lands or Tenements, or of any Thing being and 'riſing within any Seignory, Franchiſe, or ancient 'Demeſne, whereof the Cognizance or Juriſdiction 'ought to pertain to any Lords, Mayors, Bailiffs, 'Citizens, Burgeſſes, or Commonalty of ſuch Seig'nories, Franchiſes, or ancient Demeſne, that then if 'any Defendant in any ſuch Aſſiſe, or other Actions 'perſonal, make any Default, to put out, exclude, 'and expel the aforeſaid Lords, Mayors, Bailiffs, 'Citizens, Burgeſſes, or Commonalty of their Cog'nizance or Francniſe, that the Juſtices, at the Re'queſt of the ſaid Lords, Mayors, Bailiffs, Citizens, 'Burgeſſes, or Commonalty, ſhall make Inquiry by 'the Aſſiſe where ſuch Exception is alledged in Aſ'ſiſes, and in Actions perſonals by Inqueſts to be 'taken before the Juſtices, if ſuch Defaults ſhall be 'made as afore is ſaid, or not: In which Aſſiſe and 'Inqueſts ſo to be taken, as well the Plaintiffs, as 'the Lords, Mayors, Bailiffs, Citizens, Burgeſſes, 'and Commonalty may have their Challenge. And 'if it be found by ſuch Aſſiſes or Inqueſts ſo to be 'taken, that ſuch Defaults ſhall be made by Collu'ſion, to put out and exclude the ſaid Lords, Mayors, 'Bailiffs, Citizens, Burgeſſes, or Commonalty of 'their Franchiſes, Liberties, Cognizances, or Ju'riſdiction, that in ſuch Caſes the ſaid Writs ſhall 'be abated, and the Plaintiffs ſhall be in the King's 'Mercy: By Conſideration that it is ordained by the 'Statute made the ninth Year of the Reign of King 'HENRY, Grandfather to our Lord the King, That 'if any Mayor, Bailiff, Commonalty, or Lord of 'ancient Demeſne be named in Writs of Aſſiſes by 'Colluſion, to put them out of their Cognizance or 'Juriſdiction in this Behalf, that the Juſtices firſt 'ſhall inquire by the Aſſiſe of the Country, of ſuch 'Colluſion, if the ſaid Lords, Mayors, Bailiffs, or 'Commonalty the ſame require; and if it be found 'by ſuch Inquiſition, that they be ſo named by Col'luſion, that then the Writ ſhall abate.'

9 H. 4. c. 5. Mayors, Bailiffs, *&c.* Lords of ancient Demeſnes named Diſſeiſors, in Aſſiſe by Colluſion, to put them out of their Cogniſance.

CAP.

CAP. XXVII.

A Remedy for the Inhabitants of *Tewkeſbury* in the County of *Glouceſter*, againſt the Commonalty of the Foreſt of *Dean*, &c. to prevent future Robberies and Injuries in the Navigation on the *Severn*. *See Appendix.*

CAP. XXVIII.

This Chapter is not on the Roll.

There ſhall be a Bridge made over the Water of *Burford*, and another over the Water of *Culhamford* in the County of *Oxford*.

CAP. XXIX.

An Inqueſt ſhall be *De medietate linguæ*, where an Alien is Party.

28 Ed. 3. c. 13.

" ITEM, Whereas in the Parliament holden at *Weſtminſter* the twenty-eighth Year of King EDWARD the Third, amongſt other Things in Favour and Liberty of the Merchants Strangers repairing into the Realm of *England*, it was ordained, That if a Plea or Debate be moved before the Mayor of the Staple amongſt the Merchants or Miniſters of the ſame, and to try the Truth thereof an Inqueſt or Proof is to be taken, if the one Party and the other be ſtrange, it ſhould be tried by Strangers; and if the one Party and the other be Denizens, it ſhould be tried by Denizens; and if the one Party be Denizen, and the other an Alien, the one half ſhall be of Denizens, and the other half Aliens; and moreover, that in all Inqueſts and Proofs which ſhall be taken and made betwixt Aliens and Denizens, be they Merchants or other, as well before the Mayor of the Staple, as before any other Judges or Miniſters, although our Lord the King be Party, the one half of the Inqueſt or Proof ſhould be of Denizens, and the other half of Aliens, if there be ſo many Aliens in the Town or Place where ſuch Inqueſt or Proof is to be taken, that be not Parties, nor with the Parties in Contracts, Pleas, or other Quarrels, whereof ſuch Inqueſts or Proofs ought to be taken; and if there be not ſo many Aliens, then ſo many Aliens ſhall be put in ſuch Inqueſts or Proof as ſhall be found in the ſame Places or Towns which be not Parties thereunto, nor with the Parties as before is ſaid, and the Remnant of Denizens which be good Men, and not ſuſpect of the one Party nor of the other. Sithence which Ordinance the ſaid Merchants Aliens have been always demeaned and ruled, as well in the Staples, as in other of the King's Courts, after the Form of the ſaid Ordinance, until now of late they have been thereof reſtrained and impeached by Colour of another Statute made in the Parliament holden at *Weſtminſter* the Second Year of King HENRY, Father to our Lord the King that

2 H. 5. ſtat. 2. c. 3.

now is; by which Statute, for the great Miſchiefs, Damages, and Diſheriſons, which daily do happen through the Realm, as well in caſe of the Death of a Man, as in caſe of Freehold and other Caſes, by them that paſs in Inqueſts in the ſaid Caſe, which were common Jurors, and other which had but little or nothing to live upon but by ſuch Inqueſts, and which had nothing to loſe becauſe of their falſe Oaths, whereby they do the more lightly offend their Conſciences; and for Amendment and Correction thereof to be had, it was ordained and ſtabliſhed, That no Perſon be admitted to

Ex Rot. in Turr. Lond.

ITEM come en le parlement tenuz a Weſtm' lan xxvij^me du Roi E. tierce entre autres choſes en favour & libertee des merchantz eſtraungiers repairantz en le Roialme dEngleterre ordine foit qe ſi plee ou debate ſoit moeve devaunt le mair de leſtaple entre les marchantz ou miniſtres diceil & ſur ceo pur trier la verite enqueſte ou proeve ſoit apprendre ſi lun partie & lautre ſoit eſtraunge ſoit trie par eſtraunges & ſi lun partie & lautre ſoit deinſzein ſoit trie par deinſzeins & ſi lun partie ſoit deinſzein & lautre alien ſoit lun moite de deinſzeins & lautre moite des aliens & enoutre qen toutz maners des enqueſtes & proves qi ſerroient apprendres ou affairs entre aliens & deinſzeins ſoient ils merchantz ou autres ſibien devaunt le mair de leſtaple come devaunt qeconqes autres juggez ou miniſtres tout ſoit le Roi partie ſoit lun moitee del enqueſt ou proeve dez deinſzeins & lautre moitee des aliens ſi tantz des aliens ſoient en la ville ou lieu ou tiel enqueſt ou proeve ſoit apprendre qe ne ſoient my parties ne ove les parties en contractz plees ou autres querelles dount tielx enqueſtes ou proeves deyvent eſtre priſez & ſi tant dez aliens ne ſoient point adonqes ſoient myz en tielx enqueſtes ou proeves tantz des aliens come ſerront trovez en meſmes les lieux ou villes qi a ceo ne ſoint my parties ne ove les parties come devaunt eſt dit & le remenaunt des deinſzeins qi ſoient prodes hommes & nient ſuſpiciouſes a lun partie ne a lautre. Depuis quell ordinance les ditz marchantz aliens ount eſte tout temps demeſnez & reulez ſibien en les ditz eſtaples come en les autres Courtes du Roy ſolonc la forme dicell ordinance tanqe jatarde qils ent ount eſte reſtreintz & empeſchiez par colour dun autre eſtatuit fait en le parlement tenuz a Weſtm' lan du regne le Roi H. pier noſtre Seignur le Roi qoreſt ſeconde par quell eſtatut pur les graundes meſchiefs & deſheritances qe de jour en autre aveignoient parmy le Roialme dEngleterre ſibien en cas de morte de home come en cas de franc tenement & en autres caſes par ceux qi paſſerent es enqueſtes en les dites caſes qi feurent communes jourrours & autres qi navoient qe poie de vivere mes par tielx enqueſtes & lez queux navoient rien a perdre par cauſe de lour faux ſerementz parount ils le pluis legierment offenderent lour conſciences & pur correction & amendement ent avoir ordine fuiſt & eſtablie qe null perſone ſoit admys de paſſer en aſcun enqueſt

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Ex Rot. in Turr. Lond.

triall de mort de homme ne en aſcun enqueſte parentre partie & partie en plee reall ou perſonell dount le dette & lez dammages declarez amountent a xl. marcs ſi meſme la perſone nait terres ou tenementz del annuel value de xl. s. par an outre les repriſes dicelles A cauſe de quell reſtreint & empeſchement enſy faitz as ditz merchantz aliens pluſours de meſmes lez marchantz aliens lour ount retraihez & ſe retrahent de jour en autre & eſchuent de venir & converſer par decea & veriſemblable eſt qe treſtoutz meſmes les marchantz aliens lour voillent departier hors de meſme le Roialme ſi le dit darrein eſtatut ne ſoit pluis overtement declarez & lez ditz merchantz aliens reulez governez & demeſnez en tielx enqueſtes ſolonc la fourme del primer ordinaunce deſuiſdite a treſgraunde amenuſement des ſubſidees du Roi & grevouſe perde & dammage a tout ſon Roialme avauntdit. Noſtre dit Seignur le Roi conſiderant les premiſſes & qil ne fuiſt my lentention du dit nadgairs Roi ne de les Seignurs eſpirituelx & temporelx de ſon dit parlement de deroger ou prejudicer a le dit primer ordinaunce par le dit darrein eſtatut & qe meſme le darrein eſtatut fuiſt fait a cauſe des meſchiefs & diſheritances qavenoient per lez faux ſerementz des communes jurrours du Roialme ſicome il appiert par expreſſes paroles de meſme leſtatut & coment les ditz merchantz aliens ne ſont mye communes jurrours ne enheritables deinz le dit Roialme ne purront purchacer nenjoier aſcuns terres ou tenementz en icell faunz eſpeciall licence du Roi. Et voillant pur ceo meſme noſtre Seignur le Roi purveier pur le bien & profit de luy & de ſon dit Roialme & pur eſcheuer les dammages & inconveniences qi purront legierment avenir en cell partie & auxi pur doner as ditz merchantz aliens de greindre corage & talent de venir ove lour merces & merchandiſes en ceſt Roialme de ladvys & aſſent des Seignurs eſpirituelx & temporelx eſteantz en ceſt preſent parlement ad declaree le dit darrein eſtatut fait en temps de ſon dit pier noun eſtre aſcunement prejudiciall au dite primere ordinaunce ne ſe extendre mes tantſoulement a les enqueſtes aprendres parentre deinſzein & deinſzein & nemy a les autres enqueſtes & proeves deſuſdites & la dite primere ordinance deſtre effectuell & eſtoier en ſa force & deſtre myz en due execution ſolonc la forme dicell le dit darrein eſtatut ou ceo qe lez aliens nount my terres ou tenementz a le value de xl. s. par an ſolonc la contenue de meſme le darrein eſtatut nient contriſteant.

" paſs in any Inqueſt upon Trial of the Death of a " Man, nor in any Inqueſt between Party and Party " in Plea real or perſonal, whereof the Debt and the " Damages declared do amount to forty Marks, ex- " cept the ſame Perſon have Lands or Tenements " to the yearly Value of forty Shillings above all " Charges; becauſe of which Reſtraint and Im- " peachment ſo made to divers Merchants Aliens, " many of the ſame Merchants Aliens have with- " drawn, and daily do withdraw them, and eſchew to " come and be converſant on this Side the Sea, and " likely it is, that all the ſame Merchants Aliens will " depart out of the ſame Realm of *England*, if the " ſaid laſt Statute be not more plainly declared, and " the ſaid Merchants Aliens ruled, governed, and " demeaned in ſuch Inqueſts, according to the firſt " Ordinance aforeſaid, to the great diminiſhing of " the King's Subſidies, and grievous Loſs and Da- " mage of all his ſaid Realm of *England*. Our Lord " the King conſidering the Premiſſes, and how that " it was not the Meaning of the ſaid late King, nor " of the Lords Spiritual and Temporal of the ſaid " Parliament, to hinder or prejudice the ſaid firſt " Ordinance by the ſaid laſt Statute, and that the " ſaid laſt Statute was made in reſpect of the Miſ- " chiefs and Diſheriſons that happened by the falſe " Oaths of the common Jurors of the Realm of *Eng-* " *land*, as it appeareth by expreſs Words of the ſame " Statute, and how that the ſaid Merchants Aliens " be not common Jurors, nor inhabiting within the " ſaid Realm, nor may not purchaſe nor enjoy any " Lands or Tenements in the ſame, without the " King's ſpecial Licence;" ' and the ſame our Lord ' the King willing therein to provide for the Weal and ' Profit of him and all his Realm, and to eſchew the ' Damages and Inconveniences which may eaſily ' happen in this Behalf, and alſo to give to the ſaid ' Merchants Aliens the greater Courage and Deſire ' to come with their Wares and Merchandiſes into ' this Realm, by the Advice and Aſſent of the Lords ' Spiritual and Temporal, being in this preſent Par- ' liament, hath declared the ſaid laſt Statute, made in ' the Time of his Father, to be in no wiſe prejudicial ' to the ſaid Ordinance, nor to extend itſelf but only ' to the Inqueſts to be taken betwixt Denizen and ' Denizen, and not to other Inqueſts and Proofs ' aforeſaid; and the ſaid firſt Ordinance to be effec- ' tual and ſtand in Force, and to be put in due Exe- ' cution according to the Form of the ſame, notwith- ' ſtanding the ſaid laſt Statute, or that the Aliens ' have not Lands or Tenements to the Value of forty ' Shillings by the Year, according to the Purport of ' the ſame laſt Statute and Ordinance.'

A Confirmation of the Statute of 28 Ed. 3. c. 13. ordaining that an Inqueſt ſhall be *De medietate linguæ*, where an Alien is Party.

And the Statute of 2 H. 5. ſtat. 2. c. 3. limited to Inqueſts taken between Denizen and Denizen.

Statutes made at Weſtminſter, Anno 9 Hen. VI. *and* Anno Dom. 1430.

Ex Rot. in Turr. Lond.

AU parlement tenuz a Weſtm' le Vendredy proſchein devant le feſt de Seint Hillary lan du regne noſtre Seignur le Roi qoreſt noefiſme diverſez eſtatutz & ordenaunces feurent faitz & ordinez par advis & aſſent des Seignurs eſpirituelx & temporalx & a la eſpeciall requeſt des Communes du Roialme en le dit parlement aſſemblez en la fourme qenſuit.

" AT the Parliament holden at *Weſtminſter* the " *Friday* next before the Feaſt of St. *Hillary*, " the ninth Year of the Reign of our Lord " the King that now is, divers Statutes and Ordi- " nances were made and eſtabliſhed by the Advice " and Aſſent of the Lords Spiritual and Temporal, " and at the ſpecial Requeſt of the Commons of the " Realm aſſembled in the ſaid Parliament, in the Form " following."

CAP.

CAP. I.

All Aſſiſes and *Niſi prius* ſhall be adjourned during this Parlement, until certain Days. *See Appendix.*

CAP. II.

Engliſh Merchants may ſell their Merchandiſes to Aliens, giving them only ſix Months Credit, notwithſtanding the Statute of 8 HEN. 6. *c.* 24. *See Appendix.*

CAP. III.

The Proceedings againſt *Owen Glendour*, attainted of High Treaſon, ſhall ſtand good, notwithſtanding any Error, Miſpriſion, *&c.* but ſhall not prejudice his Heirs. *See Appendix.*

CAP. IV.

An *Idemptitate nominis* maintainable by Executors, *&c.*

Ex Rot. in Turr. Lond.

ITEM pur ceo qe avaunt ces heures diverſes utlagaries ount eſte pronunciez en divers des lieges du Roi ſibien devaunt leſtatut dadditions fait a Weſtm' lan primer le Roi HENRI quint pier a noſtre Seignur le Roi qoreſt come depuis a cauſe des queles utlagaries les corps dautres gentz eiantz autielx & ſemblables nouns come ceux qi feurent utlagez en fait avoient ount eſte priſez & empriſonez & lours biens & chateux pur celle cauſe par leſchetours noſtre dit Seignur le Roi & ſes nobles progenitours ſeiſez et combien qe par le commune ley du Roialme brief de idemptitate nominis ad eſtee maintenable pur meſme la perſone qe en la fourme ſuiſdite fuiſt moleſte & greve nepurquant ſi aſcune perſone des ditz lieges eiant ſemblable noun come aſcun autre perſone de meſmez les lieges qen fait fuiſt utlage avoit fiſt ſes executours & moruſt ſovent avient qe par malice & ſubtilx ymaginations les biens & chateux de tiel teſtatour qe avoit meſme le noun come celuy qi fuiſt utlage en fait avoit eſtoient ſeiſez & eſchetez es mains noſtre dit Seignur le Roy & de ſes ditz progenitours en retardation del execution del teſtement de cheſcun tiel teſtatour pur le doute qad eſtee de ceo qe aſcuns executours purroient par la commune ley avoir brief de idemptitate nominis ou noun. Sur quoy pur toller & remover toutz tielx doutes & ambiguites en ceſt cas en apres del aſſent & advis ſuiſditz & a la eſpecial requeſt des ditz Communes ordeinez eſt & eſtablez par auctorite de ceſt parlement qe brief de idemptitate nominis ſoit & poet eſtre graunte & done bone & maintenable pur les executours de cheſcun teſtatour auxibien & de meſme leffect come la dite action de idemptitate nominis fuiſt maintenable devaunt ceſt parlement pur aſcune perſone meſme qi fuiſt ou purroit avoir eſte moleſte ou greve par cauſe ou colour daſcune tiel utlagarie. Et qe ceſte ordenaunce ait relation & force par lauctorite ſuiſdite pur executours de cheſcun teſtatour ſibien de cheſcun utlagarie pronuncie en aſcun perſone a aſcun temps devaunt ceſt parlement come de toutz maners dutlagaries pronunciez en aſcun perſone en temps avenir.

1 H. 5. c. 5.

37 Ed. 3. c. 2. Raſt. 407.

"ITEM, For that before this Time many Outlawries have been pronounced againſt divers of the King's liege People, as well before the Statute of Additions made at *Weſtminſter* the Firſt Year of King HENRY the Fifth, Father to our Lord the King that now is, as ſithence, in reſpect of which Outlawries, the Bodies of other Perſons having ſuch and like Names as they had which were outlawed indeed, have been taken and impriſoned, and their Goods and Chattles for this Cauſe ſeiſed by the Eſcheators of the King and of his noble Progenitors: And although that by the common Law of the Realm a Writ of *Idemptitate nominis* hath been maintainable for the ſame Perſon, which in the Form aforeſaid was moleſted and grieved; nevertheleſs if any Perſon of the ſaid Lieges, having like Name as any other Perſon of the ſame liege People which was outlawed in Deed, had made his Executors, and died, often it happened, that by Malice and ſubtil Imaginations the Goods and Chattles of ſuch Teſtator, which had the ſame Name as he had which was outlawed in Deed, were ſeiſed and eſcheated to the Hands of our Lord the King and of his Progenitors, in Retardation of the Execution of the Teſtament of every ſuch Teſtator, for the Doubt which hath been, whether any Executors may by the Common Law have a Writ of *Idemptitate nominis*, or not." 'Wherefore to take away and remove all ſuch Ambiguities and Doubts in this Caſe hereafter, of the Aſſent and Advice aforeſaid, and at the ſpecial Requeſt of the ſaid Commons, it is ordained and eſtabliſhed by Authority of this Parliament, That a Writ of *Idemptitate nominis* be granted and made good and maintainable for the Executors of every Teſtator, to the ſame Effect that the ſame Action of *Idemptitate nominis* was maintainable before this Parliament for any Perſon himſelf which was or might have been moleſted or grieved becauſe or by colour of any ſuch Outlawry. And that this Ordinance ſhall have relation and force, by Authority aforeſaid, for the Executors of every Teſtator, as well of every Outlawry pronounced againſt any Perſon at any Time before this Parliament, as of all Manner of Outlawries to be pronounced againſt any Perſon in Time to come.'

An *Idemptitate nominis* maintainable by the Executors of a Teſtator wrongfully moleſted by colour of any Outlawry.

Regiſt. 194.

CAP.

CAP. V.

All Men ſhall have free Paſſage in *Severn*, with Goods, Chattels, &c.

Ex Rot. in Turr. Lond.

ITEM pur tant qe la ryver de Severne eſt commune a toutz leiges du Roy de carier & recarier deinz le ſtreme du dit ryver a Briſtuyt Glouceſtre & Worceſtre & autres lieu au dit river adjoynantz toutz maners des merchandiſes & autres biens & chateux ſibien en trowes & batelx come en flotes autrement appellez dragges en cheſcun partie adjoynant au dit river deinz quell river divers Galeis & autres perſones demurantez en divers lieux adjoynantz au dit river ount ore tarde aſſembles en graunde noumbre arraiez en faire de guerre & pris tielx flotus autrement appellez dragges & eut ount trenchez en peces & ove force & armes batuz lex gentz queux feurent en tielx flotus a lentent qils lowerent des ditz Galeys & autres perſones pur graunde ſumme de moneye batelx & autres veſſelx pur cariage des tielx merchandiſes & autres biens & chateux a malveis enſample & graunde empover iſſement des ditz lieges ſils ne ſoient haſtiment remediez. Si eſt ordinez par auctorite de ceſt parlement qe les ditz lieges du Roi purront avoier & enjoier lour frank paſſage en le dit river ove flotus & dragges & toutz maners des merchandiſes & autres biens & chateux a lour volunte ſaunz deſturbaunce de nully. Et ſi aſcun ſoit deſtourbe de ſon frank paſſage en le dit river ait la partie greve ſa action ſolonc le cours de la commune ley.

" ITEM, Becauſe the River of *Severn* is common to all the King's liege People, to carry and recarry within the Stream of the ſaid River, to *Briſtol*, *Glouceſter*, and *Worceſter*, and other Places joining to the ſaid River, all Manner of Merchandiſes and other Goods and Chattels, as well in Trowes and Boats, as in Flotes, commonly called Drags, in every Part joining to the ſaid River; within which River many *Welſhmen* and other Perſons dwelling in divers Places joining to the ſaid River, have now late aſſembled in great Number, arrayed in Manner of War, and taken ſuch Flotes, otherwiſe called Drags, and them have hewed in Pieces, and with Force and Arms beaten the People which were in ſuch Drags, to the Intent that they ſhould hire of the ſaid *Welſhmen* and other Perſons, for great Sums of Money, Boats, and other Veſſels for Carriage of ſuch Merchandiſes, and other Goods and Chattels, to an evil Example and great Impoveriſhment of the ſaid liege People, if Remedy be not haſtily provided;" ' it is ordained by Authority of this Parliament, That the ſaid liege People of the King may have and enjoy their free Paſſage in the ſaid River with Flotes and Drags, and all Manner of Merchandiſes, and other Goods and Chattels, at their Will, without Diſturbance of any; and if any be diſturbed of his free Paſſage in the ſaid River, the Party grieved ſhall have his Action according to the Courſe of the Common Law.' 8 H. 6. c. 27. *Farther provided for* 19 H. 7. c. 18. 23 H. 8. c. 12.

CAP. VI.

The Burgeſſes of *Dorcheſter* ſhall have their Weighing by twelve Miles about, &c.

ITEM ordeignez eſt & aſſentuz qe par force del eſtatut fait en le darrein parlement des poiſes accordantz a leſtandard de leſcheker a eſtre euez en cheſcune citee burgh & ville deinz le Roialme ne ſoient les burgeis del burgh de Dorcheſtre deſtourbez de lour droit de uſer lour poiſures par xij. leuges environ meſme le burgh uſantz toutz foitz tielx poiſez come en le dit eſtatut ſount exprimez et qe null droit ou title de poiſure ſoit accrue a aſcuny par force de meſme le darrein eſtatut en deſtourbaunce del droit des burgeis del burgh de Dorcheſtre deſuiſdit.

' ITEM it is ordained and aſſented, That by Force of the Statute made in the laſt Parliament, of Weights according to the Standard of the Exchequer to be had in every City, Borough, and Town within the Realm, the Burgeſſes of the Borough of *Dorcheſter* ſhall not be diſturbed of their Right, to uſe their weighing by twelve Miles round the ſame Borough, uſing always ſuch Weights as in the ſaid Statute be expreſſed; and that no Right nor Title of weighing grow to any by Force of the ſame laſt Statute, in Diſturbance of the Right of the ſaid Burgeſſes of the ſaid Borough of *Dorcheſter*.' 8 H. 6. c. 5.

CAP. VII.

No Sheriff, &c. of the County of *Hereford* ſhall extort Money, or do wrong in his Turn, by Colour of his Office. *See Appendix.*

CAP. VIII.

The Weight of a Wey of Cheeſe.

ITEM come il ad eſte dauncien temps accuſtumez en toutz les countees dEngleterre qe les formages qe duſſent eſtre venduz par la wey ſerroit poiſee par le auncell et pur ceo qe a le darrein parlement tenuz a Weſtm' fuiſt ordeigne qe les ditz auncelles a cauſe de la graunde deceite dicelles ſerroient deſtruitz & autres poiſes couch-

" ITEM, Whereas it hath been of old Times accuſtomed in all the Counties of *England*, that all the Cheeſes which ought to be ſold by the Wey ſhould be weighed by the Auncel, and becauſe that at the laſt Parliament holden at *Weſtminſter* it was ordained, That the ſaid Auncels, in reſpect of the great Deceit of the ſame, ſhould be deſtroyed, and 8 H. 6. c. 5.

" other Weights couching ſhould be in this Behalf " ordained; and it is ſo, that the poor People of the " Realm be greatly deceived by the ſaid Weights " couching, for that they know not how many Pounds " the Wey of Cheeſe doth contain by the ſaid Weights " couching." ' And therefore to the Intent that the ' ſaid poor People ſhall not be in this Behalf deceived, ' as they have been ſithence the ſaid laſt Parliament, ' it is ordained by the Authority of this Parliament, ' That the Weight of a Wey of Cheeſe may contain ' xxxii. Cloves, that is to ſay, every Clove vii. li. by ' the ſaid Weights couching.'

Ex Rot. in Turr. Lond.

antz ſerroient celle partie ordeinuz et eſt ainſi qe les poverez gentz du Roialme ſount graundement deceux par les dits poiſes couchant a cauſe qils neient coniſaunce combien des livres le wey de formage tient pat les ditz poiſez couchauntz. Et pur ceo au fin qe les ditz poverez gentz ne ſerroient en celle partie deceux ſicome ils ount eſtee depuis le dit darrein parlement ordine eſt par auctorite de ceſt parlement qe le pois dun wey dun formage puiſſe tenir xxxij. cloves ceſtaſſavoir cheſcun clove vij. li. par les ditz poiſes cochantz.

Pr. and Exp. 25 Ed. 3. ſtat. 4. c. 4.
1 H. 5. c. 2.
3 H. 6. c. 5.
13 El. c. 18.

CAP. IX.

The Chancellor of *England* may grant his Commiſſion to certain Perſons to ſcour and amend the River *Ley* in the Counties of *Eſſex*, *Hertford*, and *Middleſex*.

EXP. & *Obſ. by* 31 *H.* 8. *c.* 13. *for the Diſſolution of Abbeys*, &c.

CAP. X.

A Rehearſal and Confirmation of the Statute of 3 Henry 5. *cap.* 2. authoriſing certain Abbots and other Religious Perſons to make their Attornies. *See Appendix.*

CAP. XI.

Proclamations before a Writ be awarded to the Biſhop to certify Baſtardy.

" ITEM, Whereas by a Supplication delivered in " this preſent Parliament by the Commons of the " ſame, it was declared by *Margaret* Dutcheſs of *Cla-* " *rence*, *Johan* Dutcheſs of *York*, Siſters, and amongſt " other Heirs to *Edmund* Earl of *Kent*, *Richard* Duke " of *York*, *Richard* Earl of *Saliſbury*, and *Alice* his " Wife, *Ralph* Earl of *Weſtmoreland*, *John* Lord of " *Typtoft* and of *Powys*, and *Joyce* his Wife, and *Henry* " *Gray*, Couſins, and other of the Heirs of the ſaid " *Edmond* late Earl, as in the ſame Supplication is " ſuppoſed; that is to ſay, the ſaid Duke, Son to *Anne* " Daughter of *Alianour*, another of the Siſters of the " ſaid *Edmond*; the ſaid *Alice*, Daughter to *Alianour* " another Siſter of the ſaid *Edmund*; the ſaid *Ralph*, " Son to *Elizabeth* another Siſter of the ſaid *Edmond*; " the ſaid *Joyce*, Daughter to the ſaid *Alianour* Mo- " ther of *Anne*; and the ſaid *Henry Gray*, Son to *Johan* " Daughter of the ſame *Alianour*: That whereas " *Alianour*, Wife to *James* Lord *Audley*, pretending, " calling, and affirming herſelf Daughter and Heir to " the ſaid *Edmond* late Earl of *Kent*, and begotten and " born in Marriage pretenced, had betwixt him and " *Conſtance* late Wife of *Thomas* Lord *Deſpenſer*, where " by the ſaid Supplication it is ſuppoſed, that the ſaid " *Alianour*, Wife to the ſaid *James*, is Baſtard, and " never was any Marriage made, had, nor ſolemnized " betwixt the ſaid *Edmond* and *Conſtance*, but the " ſaid *Edmond* (by the Ordinance, Will, and Agree- " ment of King Henry the Fourth, Grandfather to " our Lord the King that now is, after great, notable, " and long Ambaſſage had and ſent to the Duke of " *Millain*, for a Marriage to be had betwixt the ſaid " *Edmond* and *Luce*, Siſter to the ſaid Duke of *Millain*) " did take to Wife, and openly and ſolemnly married " the ſaid *Luce* at *London*; the ſaid *Conſtance* then liv- " ing, and being there preſent, not claiming the ſaid " *Edmond* to her Huſband, nor any Dower of his " Lands after his Deceaſe; which Marriage betwixt " the ſaid *Edmond* and *Luce* ſo had and ſolemnized, " continued without any Interruption of the ſaid

ITEM come par une ſupplication baille en ceſt parlement par les Communes dicell eſtoit declarez par Margarete Ducheſſe de Clarence Johan Ducheſſe dEverwyk ſoers & entre autres heirs a Edmond nadgairs Count de Kent Richard Duc dEverwyk Richard Count de Sariſbirs & Alece ſa femme Rauf Count de Weſtmerland John Sire de Tiptoft & de Powys & Joiuſe ſa femme & Henri Gray coſyns & autres des heirs du dit Edmond nadgairs Count ſicome en meſme la ſupplication eſt ſuppoſez ceſtaſſavoir le dit Duk fitz a Anne file a Alianore une autre des ſoers du dit Edmond la dite Aleyſe file a Alianore une autre ſoer du dit Edmond le dit Rauf fitz a Elizabeth une autre ſoer du dit Edmond la dit Jojouſe file ditz Alianore mere a Anne & le dit Henri Grey fitz a Johanne file a meſme la Alianore qe la ou Alianore femme a James Sire dAudeley pretendant appellant & affermant luy meſme file & heir au dit Edmond nadgairs Count de Kent & engendre & nee en eſpouſelx pretenſez euez parentre luy & Cuſtance nadgairs femme a Thoma Sire Deſpenſer la ou par la dit ſupplication eſt ſuppoſe qe la dite Alianore feme au dit James eſt baſtard & jammes nulles eſpouſelx feurent en fait euez ou ſolempniſez parentre les ditz Edmond & Cuſtaunce mes qe le dit Edmond par lordinaunce volunte & agreement du Roi Henri le quart aiel noſtre Seignur le Roi qoreſt depuis graunde notable & longe ambaſſiatt euez & enjoiez a le Duke de Melayne pur mariage a eſtre euez parentre le dit Edmond & Luce ſoer au dit Duk de Melayne priſt a femme & overtement & ſolempnement eſpouſa la dite Luce a Loundres vivant cell temps la dite Cuſtaunce & illoeqes eſteant preſent nient clamant le dit Edmond a ſon baron ne aſcun dower de ſes terrez puis ſon deceſſe les queux eſpouſilles parentre le dit Edmond & Luce enſi euz & ſolempniſez continuerent ſaunz aſcun interruption du dite Cuſtaunce ou daſcun

autre

Ex Rot. in Turr. Lond.

autre durant la vie du dit Edmond ſicome divers Seignurs & autres credibles & notables perſones du dit Roialme ount bien en lour memorie et coment puis la deceſſe du dit Edmond lavaundite Luce fuiſt endowe de ſes terres come ſa loyall femme continuant en ſon eſtate peiſiblement par tout ſa vie.

Nientmeins la dite Alianore femme James ſur graunde ſubtilite proceſſe ymagine prive labour & autres menes & voies coloures a lentent qele deveroit eſtre certifiez muliere par aſcun ordinarie en cas qe baſtardie ſerroit alegge en ſa perſone ad porte a ceo qeſt dit en examination devaunt certeins jugges en courtz Chriſten & eſpirituel nient enfourmez ne aiantz coniſaunce du dit ſubtilite proceſſe ymagine prive labour colourez meſnes & voies certeines ſubornatz proves & perſones de ſa aſſent & covine depouſantz pur ele come en eſpouſelx euez & ſolempniſez parentre les ditz Edmond & Cuſtaunce & la dite Alianore femme James pur eſtre engrendrez & neez dedeins meſmes les eſpouſelx les ditz Ducheſſe Duke dEverwyk Count de Sariſbirs Aleiſe Count de Weſtmerland John Sire de Tiptoft Joiouſe & Henri ne null deux ent nient garniz ne ſachantz tanqe par longe temps apres la dite depoſition fait dount les ditz ſuppliantz ſe doutent eſtre grevez & empeſchez de lour enheritaunce euez par le dit Edmond par autre ſubtilite & labour en le temporell a eſtre laboure & oevere par les ditz Sire dAudeley & Alianore ſa femme ſicome ils voloient prendre aſcun action envers aſcunes perſones de lour aſſent & covyne ou autrement faire aſcuns perſones de tiel aſſent & covyne prendre une action envees eux ſicome il eſt ſuppoſe qils lour ordignent a ceo faire en la quell action par les aſſent & covyne ſuiſditz baſtardie deut eſtre allegge en la perſone du dite Alianore femme James et ſur ceo par aſſent & covyne iſſue eſtre pris & un brief deſtre envoie a aſcun ordinarie ou lour plerroit nient advertiſe des ditz ſubtilite aſſent & covyne pur certifier ſi la dite Alianore femme James fuiſt muliere ou nemye devaunt quill ordinarie meſme la Alianore femme James voet alegger de prover luy meſmes muliere par la dite depoſition des ditz ſubornatz provez & adonqes la partie eu come adverſarie envers les dits Sire dAudeley & Alianore ſa femme en la dit action pris ou apprendre par aſſent & covyne ſuiſditz ne veulle null prove ne matier alegger ne defence fair devaunt le dit ordinarie envers meſmes les Sire dAudeley & Alianore ſa femme mes la ſuffrer la matier devaunt le dit ordinarie proceder ſolonc lentent des ditz Sire dAudeley & Alianore ſa femme parenſi qe veriſemblable et qe meſmes lordinarie verroit certifier la dite Alianore femme James muliere la quelle certificat iſſint eu & fait deuſſoit par la ley dEngleterre diſheriter les ditz Ducheſſe Duk dEverwyk Count de Sariſbirs Aleyſe Count de Weſtmerl' John Sire de Tiptoft Joyouſe & Henri & lour iſſue pur toutz jours de lentier enheritaunce avauntdit. Sur qy les premiſſes tendierment conſiderez & pur eviter tielx ſubtielx diſheritaunces ſibien en la dit cas come en autres caſes ſemblables en temps avenir del advis & aſſent des Seignurs eſpirituelx & temporelx & auxi a la ſpecial requeſt des ditz Communes en ceſt parlement aſſemblez ordeinez eſt &

" *Conſtance*, or of any other, during the Life of the " ſaid *Edmond*, as divers Lords and other credible and " notable Perſons of the ſaid Realm do well remember; and how after the Deceaſe of the ſaid *Edmond*, " the ſaid *Luce* was endowed of his Lands as his " lawful Wife, continuing thereof her Eſtate peaceably all her Life.

A ſecret Practice to prove one *Mulier* in the Spiritual Court, who is a Baſtard.

" II. Nevertheleſs the ſaid *Alianour*, the Wife of " *James*, upon great Subtilty, Proceſs imagined, privy " Labour, and other Means and coloured Ways, to " the Intent that ſhe ought to be certified *Mulier* by " ſome Ordinary, in caſe that Baſtardy ſhould be al- " ledged in her Perſon, hath brought (as it is ſaid) in " Examination before certain Judges in the Spiritual " Court, not informed, nor having Knowledge of the " ſaid Subtilty, imagined Proceſs, privy Labour, and " coloured Ways, certain ſuborned Proofs and Perſons " of her Aſſent and Covin, depoſing for her, that the " ſaid *Alianour*, the Wife of *James*, was begotten with- " in Marriage, had and ſolemnized betwixt the ſaid " *Edmond* and *Conſtance*; the ſaid Ducheſs, the Duke " of *York*, and Earl of *Saliſbury*, and *Alice*, Earl of *Weſt-* " *morland*, *John* the Lord of *Typtoft*, *Joyce* and *Henry*, " nor any of them thereof warned, nor knowing until " long Time after the Depoſition ſo made, whereof the " ſaid Suppliants do fear them to be grieved and im- " peached of their Inheritance had by the ſaid *Edmond*, " by another Subtilty and Labour in the Temporal " Law, to be practiſed and wrought by the ſaid Lord " of *Audley* and *Alianour* his Wife; as if they will " commence any Action againſt any Perſons of their " own Aſſent and Covin, or otherwiſe will cauſe ſuch " Perſons of ſuch Aſſent and Covin to purſue an Ac- " tion againſt them, as it is ſuppoſed that they intend " to do; in which Action, by the Covin and Aſſent " aforeſaid, Baſtardy ought to be alledged in the Per- " ſon of the ſaid *Alianour*, Wife of *James*, and there- " upon by the Aſſent and Covin an Iſſue is to be taken, " and a Writ to be ſent to ſome Ordinary (where it " pleaſe them, not advertiſed of the ſaid Subtilty, Aſ- " ſent, and Covin) to certify if the ſaid *Alianour*, the " Wife of *James*, be *Mulier* or not, before which " Ordinary the ſame *Alianour*, Wife of *James*, will " alledge and prove herſelf *Mulier* by the ſaid Depoſi- " tions of the ſaid ſuborned Witneſſes; and then the " Party reputed as Adverſary againſt the Lord of *Aud-* " *ley* and *Alianour* his Wife, in the ſaid Action taken " or to be taken by Aſſent and Covin aforeſaid, will " alledge no Proof nor Matter, nor make any Defence " before the ſaid Ordinary againſt the ſame Lord *Aud-* " *ley* and *Alianour* his Wife, but ſuffer the Matter be- " fore the ſaid Ordinary to proceed according to the " Meaning of the ſaid Lord of *Audley* and *Alianour* his " Wife; ſo that it is very likely, that the ſame Ordi- " nary will certify the ſaid *Alianour*, the Wife of " *James*, *Mulier*; which Certificate ſo had and made, " ought by the Law of *England* to diſherit the ſaid " Ducheſſes, Duke of *York*, Earl of *Saliſbury*, Earl " of *Weſtmorland*, *John* Lord of *Typtoft*, *Alice*, *Joyce*, " and *Henry*, and their Iſſue for ever, of the whole " Inheritance aforeſaid." 'Whereupon the Premiſſes 'tenderly conſidered, and to eſchew ſuch ſubtil Diſ- 'heriſons, as well in the ſaid Caſe, as in other Caſes 'like in Time to come, by the Advice and Aſſent 'of all the Lords Spiritual and Temporal, and alſo 'at the ſpecial Requeſt of the ſaid Commons, in this 'Parliament aſſembled, it is ordained and eſtabliſhed

A Practice to prove one *Mulier* by the Common Law who is indeed a Baſtard.

'by Authority of this Parliament, That if the ſaid 'Alianour, the Wife of James, be certified Mulier in 'any Court before this Time, that no Manner of Cer-'tificate heretofore made for the ſaid Alianour, Wife 'of James, ſhall in any wiſe put to prejudice, bind, 'indamage, nor conclude any Perſon or Perſons, but 'him or his Heirs that was Party to the Plea. And 'from henceforth all Juſtices of or in the Courts where 'any Plea is or ſhall be depending, taken, or moved, 'in which Plea, ſo depending, taken, or moved, Baſ-'tardy is or ſhall be alledged againſt any Perſon Party 'to the ſame Plea, and thereupon an Iſſue joined, or 'to be joined, which by the Law ought to be certified 'by the Ordinary, that the Judges, or one Judge of 'or in the Courts where the ſaid Plea is or ſhall be 'depending, taken, or moved, before the Time that 'any Writ of Certificate paſs out of the ſame Court 'to the Ordinary, to certify upon the Iſſue ſo joined, 'or to be joined, ſhall make Remembrance under their 'Seals, or his Seal, at the Suit of the Demandant or 'Tenant, Plaintiff or Defendant in the Plea, in which 'the Baſtardy is or ſhall be alledged, reciting the Iſſue 'that is joined in the ſame Plea of Baſtardy, and cer-'tifying to the Chancellor of the King of England for 'the Time being, to the Intent that thereupon Pro-'clamation be made in the ſaid Chancery by Three 'Months, once in every Month, that all Perſons pre-'tending any Intereſt to object againſt the Party which 'pretendeth himſelf to be Mulier, that they ſue to the 'Ordinary to whom the Writ of Certificate is or ſhall 'be directed, to make their Allegations and Objections 'againſt the Party which pretendeth him to be Mulier, 'as the Law of holy Church requireth; and the 'ſaid Chancellor having Notice of the ſaid Remem-'brance and Iſſue joined, and being required by the 'ſaid Demandant or Tenant, Plaintiff or Defendant 'having the ſaid Remembrance, to make the ſaid Pro-'clamation as afore is ſaid, the ſame Chancellor for 'the Time being ſhall cauſe to be made Proclamation 'in the Form aforeſaid; and the Proclamation ſo 'made ſhall certify in the Court where the ſaid Plea 'in which the Baſtardy is alledged another Time ſhall 'be depending. And that the Judges of or in the 'Court where the ſame Plea is or ſhall be depending, 'taken, or moved, before any Proclamation ſo to be 'made in the Chancery, make one Time ſuch Procla-'mation openly in the ſame Court, and alſo another 'Time when the Proclamation ſhall be certified by the 'Chancellor of England, and made in the Form above 'rehearſed; and then the ſaid Judge ſhall award the 'ſaid Writ of Certificate to the Ordinary to certify 'upon the Iſſue ſo joined, or to be joined; and if any 'Writ of Certificate be made or granted, before that 'all the Proclamations in the Form aforeſaid be made 'and certified, that then the ſaid Writ of Certificate, 'and the Certificate of the Ordinary thereupon made 'or to be made, ſhall be void in Law, and of none Ef-'fect. And if any Writ before this Time be directed 'to any Ordinary, to certify if the ſaid Alianour, Wife 'of James, be Baſtard or not, and at this Time not 'certified, if it be certified hereafter by Virtue of the 'ſaid Writ, that the ſame Certificate of the ſaid Or-'dinary ſo made, be void and of none Effect.'

Proclamations before a Writ awarded to the Ordinary to certify Baſtardy.

Raſt. 29, 105. 208. *Farther Proviſions relating hereto* 18 El. c. 3. 7 Jac. 2. c. 4. 3 Car. 1. c. 4. *and* 6 Geo. 2. c. 31.

Ex Rot. in Turr. in Lond.

eſtablez par auctorite de meſme la parlement qe ſi la dite Alianore femme James ſoit certifie muliere en aſcun court devaunt ces heures qe null maner de tiel certificat pardevaunt fait pur la dite Alianore femme James mette a aſcun prejudice leye endamage ne conclude aſcun perſone ou perſones forſqe celuy & ſes heirs qi fuiſt fait partie a la plee Et qe defore enavaunt toutz Juges de ou en les courtz la ou aſcun plee eſt ou ſerra pendant pris ou moeve en queux plees enſi faitz pendantz pris ou moevez baſtardie eſt ou ſerra allegge envers aſcun perſone partie a meſme le plee & ſur ceo iſſue joinee ou a joyner le quell par la ley droit eſtre certifie par lordinarie qe lez Juges ou un Juge de ou en les courtz ou le dit plee eſt ou ſerra pendant pris ou moeve devaunt le temps qe aſcun brief de certificat paſſe hors de cell court al ordinarie pur certifier ſur liſſue enſi joyne ou a joyner face une remembrance deſouth lour ſealx ou ſon ſeal al ſuyt le demaundant ou tenant pleintif ou defendant en le plee en quell baſtardie eſt ou ſerra allegge recitant liſſue qeſt joyne en meſme le plee de baſtardie & certifiant a le Chaunceller du Roi dEngleterre pur le temps eſteant a lentent qe ſur ceo proclamation ſoit fait en la dite Chauncerie par trois moys un foitz en cheſcun moys qe toutz les perſones qi pretendent aſcun intereſſe pur objecter encountre la partie qe luy pretende deſtre muliere qils ſuent al ordinarie a qi le brief de certificat eſt ou ſerra direct pur faire lour allegeaunces & objections envers la partie qe luy pretende deſtre muliere ſicome la ley de Seint eſgliſe requiert Et le dit Chaunceller eiant notice del dit remembraunce & iſſue joynee & requis par le dit demaundant ou tenant pleintiff ou defendant avauntditz aiant meſme la remembraunce de fair la dite proclamation come deſuis eſt dit meſme le Chaunceller pur le temps eſteant ferra fair proclamation en la fourme avauntdit & la proclamation enſi fait certifiera en la court ou le dit plee en quell la baſtardie eſt allegge alors ſerra pendant. Et qe les Juges de ou en la court ou le dit plee eſt ou ſerra pendant pris ou moeve devaunt aſcun proclamation enſi affaire en la Chauncerie facent un foitz autiel proclamation evertement en meſme la court & auxi autre foitz quant les proclamations ſerront certifiez par le Chaunceller & en la fourme reherce faitz & adonqes le dit Juge agardera le dit brief de certificat al ordinarie pur certifier ſur liſſue iſſint joynee ou a joyner. Et ſi aſcun brief de certificat ſoit fait ou graunte devaunt ceo qe toutz les ditz proclamations en la fourme devaunt reherce ſoient faitz & certifiez qe adonqes cell brief de certificat & le certificat del ordinarie ſur ceo faite ou affaire ſoit voide en ley & de null effect. Et ſi aſcun brief devaunt ceſt temps ſoit direct a aſcun ordinarie pur certifier ſi la dite Alianore femme James ſoit baſtard ou nemye & a ceſt temps nient certifie ſil ſoit certifie enapres par vertu du dit brief qe meſme le certificat du dit ordinarie enſi fait ſoit voide & de null effect.

Statutes

Statutes made at Weſtminſter, Anno 10 Hen. VI. *and* Anno Dom. 1432.

Ex Rot. in Turr. Lond.

NOSTRE Seignur le Roy a ſon parlement tenuz a Weſtm' le xij^e. jour de Maij lan de ſon regne diſme a lonour de Dieu & pur le bien de luy & ſon Roialme & pur la tranqillite & eaſe de ſon poeple de ladvis & aſſent des Seignurs eſpirituelx & temporelx & a la eſpeciale requeſt des Communes en meſme le parlement aſſemblez ad fait ordeiner & eſtabler diverſes eſtatuitz & ordinaunces en la fourme qenſuiſt.

"OUR Lord the King, at his Parliament holden at *Weſtminſter* the Twelfth Day of *May*, the Tenth Year of his Reign, to the Honour of God, and for the Wealth of him and his Realm, and for the Tranquillity and Eaſe of his People, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Requeſt of the Commons in the ſame Parliament aſſembled, hath cauſed to be enacted and eſtabliſhed divers Statutes and Ordinances in the Form following."

CAP. I.

Recogniſances taken before the Mayor, *&c.* of *Calais* ſhall be effectual in *England*. See *Appendix*.

CAP. II.

Certain Things required in him who ſhall be a Chooſer of the Knights of Parliament.

ITEM come au parlement tenuz a Weſtm' lendemain de Seint Mattheu lappoſtle lan du regne noſtre Seignur le Roy oeptiſme ordine eſtoit & eſtable par auctorite de meſme le parlement qe les chivalers des toutz countees deins le Roialme dEngleterre a eſſliers pur venir as parlementz en apres a tenirs ſoient eſſuz en cheſcun countee par gentz demurantz & reſeantz en icelles dount cheſcun ait frank tenement a la value de xl. s. par an au meins outre les repriſes ſur certein peine contenuz en meſme leſtatuit nient feſſant expreſſe mention en icell qe cheſcun qi ſerroit eſliſour daſcuns tielx chivalers averoit frank tenementz a la value de xl. s. au meins outre les repriſez deins meſme le countee ou aſcun tiel eſliſour oveſqe autres ſemblables ferroit tiel election ou aillours. Et pur taunt noſtre Seignur le Roi voillant faire du dit eſtatut pleine declaration del advis & aſſent ſuiſditz & a la requeſt des dites Communes ad ordine qe les chivalers des toutz les countees deins le dit Roialme a eſliers pur venir a les parlementz en apres a tenirs ſoient eſſuz en cheſcun countee par gentz demurantz & reſeauntz en icelles dount cheſcun ait frank tenement a la value de xl. s. par an au meins outre les repriſes deins meſme le countee ou aſcun tiel eſliſour ſoit voet meller daſcun tiel election.

"ITEM, Whereas at the Parliament holden at *Weſtminſter* the Morrow of St. *Matthew* the Apoſtle, the Eighth Year of the King that now is, it was ordained by the Authority of the ſame Parliament, That the Knights of all Counties within the Realm of *England*, to be choſen to come to the Parliaments hereafter to be holden, ſhould be choſen in every County by People dwelling and reſiant in the ſame, whereof every one ſhall have Freehold to the Value of Forty Shillings by Year at the leaſt, above all Charges, upon a certain Pain contained in the ſame Statute; not making expreſs Mention in the ſame, that every Man that ſhall be Chooſer of any ſuch Knights, ſhall have Freehold to the Value of Forty Shillings at the leaſt, above all Charges, within the ſame County where ſuch Chooſer with other like ſhall make ſuch Election, or elſewhere:" 8 H. 6. c. 7.

'And therefore our Lord the King, willing to make plain Declaration of the ſaid Statute, by the Advice and Aſſent aforeſaid, and at the ſpecial Requeſt of the ſaid Commons, hath ordained, That the Knights of all Counties within the ſaid Realm, to be choſen to come to Parliaments hereafter to be holden, ſhall be choſen in every County by People dwelling and reſiant in the ſame, whereof every Man ſhall have Freehold to the Value of xl. s. by the Year at the leaſt, above all Charges, within the ſame County where any ſuch Chooſer will meddle of any ſuch Election.'

7 H. 4. c. 17.
11 H. 4. c. 1.
1 H. 5. c. 1.
6 H. 6. c. 4.
See farther Index, tit. Parliament.

CAP. III.

A Letter of Requeſt ſhall be granted by the Keeper of the Privy Seal to any of the King's Subjects, from whom Goods ſhall be taken by the Subjects of *Denmark*.

ITEM pur ceo qe noſtre Seignur le Roi a la grevouſe compleint a luy fait en iceſt parlement par les Communes de ſon Roialme eſteantz en icell eſt enfourme qe pluſours de ſes ſoialx lieges ſount graundement empoverez anientez & en point deſtre deſtruitz par le Roi de

"ITEM, Becauſe that our Sovereign Lord the King, at the grievous Complaint to him made in this Parliament by the Commons of his Realm of *England* being in this Parliament, is informed, That many of his faithful liege People be greatly impoveriſhed, undone, and in point to be deſtroyed, by the

"King

" King of *Denmark* and his Lieges, which be of the " Amity of the King our Sovereign Lord, becauſe that " they do daily take of his ſaid faithful Subjects their " Goods, ſo that they have taken of Merchants of " *York* and *Kingſton upon Hull* Goods and Merchan- " diſes to the Value of Five Thouſand Pounds within " a Year, and of other Lieges and Merchants of the " Realm of *England* Goods and Chattles to the Value " of Twenty Thouſand Pounds, whereof they have " no Remedy of the ſaid King of *Denmark*, nor of " none other, foraſmuch as none of them cometh " within the Realm of *England*, nor nothing have " in the ſame Realm of *England*, and that the Goods " be taken out of the ſame Realm :" ' The King ' willing to provide Remedy for his ſaid liege People, ' by the Advice and Aſſent aforeſaid, hath ordained ' and eſtabliſhed, That if the Goods of any of the ' ſaid his Lieges be or ſhall be taken by the ſaid King ' of *Denmark*, or any of his ſaid Lieges, the Keeper ' of the Privy Seal for the Time being ſhall have ' Power to make to the Party grieved Letters of Re- ' queſt under the Privy Seal, without any other Pur- ' ſuit to be made to any, for Reſtitution to be had of ' the Goods ſo taken and to be taken. And if Reſti- ' tution be not made by ſuch Letters, the King our ' Sovereign Lord, by the Advice of his Council, ſhall ' provide to the Party grieved his covenable Remedy, ' according as the Caſe requireth.'

Ex Rot. in Turr. Lond.

Denmark & ſez lieges qi ſount del amiſtee du Roi noſtre Seignur a cauſe qils preignent de jour en autre de ſez ditz foialx lieges lour biens pariſſint qils ount pris des marchauntz dEverwyk & Kynageſton ſur Hull biens & marchandiſez a la value de v. $\frac{l}{M}$ li. dedeins un an & dautres lieges & marchantz du Roialme biens & chateux a la value de xx. $\frac{l}{M}$ li. dount ils nount remedie du dit Roi de Denmark ne de null autre a cauſe qe null de eux veigne deins le Roialme dEngleterre ne riens ount en icell & qe les biens ſount priſez hors de meſme le Roialme. Meſme noſtre Seignur le Roi voillant a ſez ditz lieges purvoier de remedie del advis & aſſent ſuiſditz ordine qe ſi les biens daſcuns de ſez ditz lieges ſoient ou ſerrount priſez par le dit Roi de Denmark ou aſcuns de ſez ditz lieges ait le dit gardein du prive ſeal pur le temps eſteant poair de faire au partie greve lettres de requeſt deſoubz le preve ſeal ſaunz autre purſuite affaire a aſcuny pur reſtitution avoir des biens iſſint priſez & aprendrez. Et ſi reſtitution ne ſoit fait par tielx lettres le Roi noſtre Seignur par advis de ſon counceill purveiera al partie greve covenable remedie ſolonc ceo qe le cas requiert.

CAP. IV.

The Penalty of him that maketh a falſe Entry, that the Plaintiff doth offer himſelf in Perſon, where he doth not.

" ITEM, For that divers of the King's liege Peo- " ple before this Time have been outlawed, and " greatly vexed and diſquieted in divers Suits, as well " before the King in his Bench, as in the Common " Bench, in the Records of which Suits the Entries " have been made, that the Plaintiffs in the ſame Suits " *Obtulerunt ſe in propria perſona ſua*, where the ſame " Plaintiffs never appeared to ſuch Suits, nor had " Knowledge of the ſame, in great Miſchief of the " ſaid liege People, if Remedy be not provided in this " Behalf;" ' our Lord the King willing in this ' Caſe to provide Remedy, hath ordained and eſtabliſh- ' ed by Authority of this preſent Parliament, That no ' Manner *Fyliſer*, *Exigenter*, nor any other Officer, ' from henceforth ſhall make ſuch Entry in any Man- ' ner Suit, except that the Plaintiff in the ſame Suit, ' before that ſuch Entry be made, do appear in his ' proper Perſon before ſome of the ſaid Juſtices of the ' Place where the Plea is or ſhall be depending; ' and there he ſhall be ſworn upon a Book, That he ' is the ſame Perſon in whoſe Name the ſaid Suit is ' ſued, or that ſome other credible Perſon of the ' King's * Council make ſuch Oath for them. And ' this Ordinance ſhall endure till the next Parlia- ' ment.'

* His Counſel.

Made perpetual by 18 H. 6. c. 9.

ITEM pur ceo qe divers des lieges du Roi avaunt ces hoeures ount eſtee utlagez & graundement vexez & diſſeiſez en divers ſeutez ſibien devaunt le Roi en ſon Bank come en le commune Bank en les recordes des queux ſeutes les entres ount eſtee faitz qe les pleintifs en meſmes les ſeutes optulerunt ſe in propria perſona ſua lou meſmes les pleintifs unqes nappareront as tieulx ſeutes ne conuſaunce avoient dicelles en graunde miſchief des ditz lieges ſi remedie ne ſoit paryeu en cell partie noſtre Seignur le Roi voillant en ceo cas purvoir de remedie ad ordine par auctorite de ceſt parlement qe null filicer exigenter ne autre officer deſore enavaunt ferra tiel entree en aſcun ſeute ſinon qe le pleintif en meſme la ſute avaunt qe aſcun tiel entre ſoit fait apierte en ſa propre perſone devaunt aſcun des Juſtices de lieu ou lee plee eſt ou ſerra pendant & illeoqes ſoit juree ſur un liver qil eſt meſme la perſone en qi noun la dite ſuite eſt ſue ou qe autre creable perſone de ſon counſeill face tiel ſerement pur luy. Et durera ceſt ordinaunce tanqal proſchein parlement.

And farther provided by 32 *H.* 8. *c.* 30. 2 *&* 3 *Ed.* 6. *c.* 32. *and* 18 *El. c.* 14.

CAP. V.

A Rehearſal of the Statute of 21 *R.* 2. *c.* 18. touching the Maintenance of certain Places about *Calais*.

See Appendix.

CAP.

CAP. VI.

What Proceſs ſhall be awarded upon an Indictment removed into the King's Bench.

Ex Rot. in Turr. Lond.

ITEM come au parlement tenuz a Weſtm' lan du regne noſtre Seignur le Roi qoreſt viij^e ordine eſtoit qe ſur cheſcune enditement ou appell par la quell aſcuns des lieges du Roy demurrantz en autres countees qe la ou tiel enditement ou appell ſoit ou ſerra pris de treſon felonie ou treſpaſs apprendre en apres devaunt Juſtices de peas ou devaunt aſcun autre eiant poiar de prendre tielx enditementz ou appellez ou autres commiſſioners ou Juſtices en aſcun countee fraunchiſe ou libertee dEngleterre devaunt aſcun exigent agarde ſur aſcun enditement ou appell en la fourme avauntdite apprendre qe maintenant apres le primer brief de capias ſur cheſcun tiel enditement ou appell agarde & retourne qe un autre brief de Capias ſoit agarde direct al viſcount del countee dount celuy qeſt enſy endite ou appelle eſt ou fuiſt ſuppoſe deſtre converſant par meſme lenditement ou appell retournable devaunt meſmes les Juſtices ou commiſſioners devaunt queux il eſt endite ou appelle a un certein jour conteignant leſpace de trois mois del date de meſme le brief & le retourne dicell come par meſme leſtatuit pleinement appiert. Par quell clauſe du dit eſtatuit ceſtaſſavoir retournable devaunt meſme les Juſtices ou commiſſioners devaunt queux il eſt endite ou appelle aſcuns entendount qe le brief de Capias ordine par le dit eſtatuit qe ſerra direct al viſcount del countee dount celuy qeſt enſi endite ou appelle eſt ou fuiſt ſuppoſe deſtre converſant par meſme lenditement ou appell ſerra retourne devaunt meſme les Juſtices ou commiſſioners ou autres devaunt queux lenditement ou appell fuiſt pris & nounpas aillours. Et ymaginantz pur defrauder & anientiſer le dit eſtatuit ſuent pur remoever tielx enditementz & appellez hors des mains les Juſtices & commiſſioners avauntditz en le Bank le Roi & aillours par Certiorari & autrement les parties enſi enditz ou appellez nient ſachantz & ſur ceo ſuent proceſſe uſe a la commune ley devaunt la feſaunce du dit eſtatuit en le Bank le Roi & aillours appres tiel remoevement en graunde empoveriſſement & vexation des loialx lieges du Roy. Pur qoy noſtre Seignur le Roi del advis & aſſent ſuſditz & al eſpeciall requeſt dez ditz Communes par auctorite ſuiſdite ad ordine qe le dit eſtatuit ſoit tenuz & gardez & mys en du execution en toutz pointz adjouſtant a icell qe ſi aſcuns tielz enditementz priſez ou apprendres devaunt aſcuns des juſtices du peas ou devaunt aſcun autre eiant poiar de prendre tielx enditementz ou appell ou autres juſtices ou commiſſioners en aſcun countee fraunchiſe ou libertee dEngleterre foient remoevez devaunt le Roi en ſon Bank ou aillours par Certiorari ou autrement qe adonqes apres tiel remoevement devaunt aſcun exigend' agarde ſur aſcun tiel enditement ou appell en la fourme avauntdite pris ou apprendre qe maintenant apres le primer brief de Capias ſur cheſcun tiel enditement ou apell agarde & retourne qe un autre

" ITEM, Whereas in the Parliament holden at *Weſtminſter* the Eighth Year of the King that now is, it was ordained, That upon every Indictment or Appeal, by the which any of the King's liege People, dwelling in other foreign and divers Counties than where ſuch Indictment or Appeal is or ſhall be taken, of Treaſon, Felony, or Treſpaſs, to be taken hereafter before Juſtices of Peace, or before any other Juſtice whatſoever, having Power to take ſuch Indictments or Appeals, or other Commiſſioners or Juſtices in any County, Franchiſe, or Liberty of *England*, before any Exigent awarded upon any Indictment or Appeal in the Form aforeſaid to be taken, that preſently after the firſt Writ of *Capias* upon every ſuch Indictment or Appeal awarded and returned, that another Writ of *Capias* ſhall be awarded, directed to the Sheriff of the County, whereof he that is ſo indicted or appealed is or was ſuppoſed to be converſant by the ſame Indictment or Appeal, returnable before the ſame Juſtices or Commiſſioners, ſome do think that the Writ of *Capias* ordained by the ſaid Statute, which ſhall be directed to the Sheriff of the County, whereof he that is ſo indicted or appealed is or was ſuppoſed to be converſant by the ſame Indictment or Appeal, ſhall be returned before the ſame Juſtices or Commiſſioners, or other, before whom the Indictment or Appeal was taken, and not elſewhere. And imagining to defraud and make fruſtrate the ſaid Statute, do ſue to remove ſuch Indictments and Appeals out of the Hands of the Juſtices or Commiſſioners aforeſaid into the King's Bench and elſewhere by *Certiorari* and otherwiſe, unknown to the Party ſo indicted or appealed, and thereupon ſue the Proceſs uſed at the Common Law before the making of the ſaid Statute in the King's Bench and elſewhere, after the removing, to the great impoveriſhing and Vexation of the King's faithful Subjects." ' Wherefore the ſame our Lord the King, by the Advice and Aſſent aforeſaid, and at the ſpecial Requeſt of the ſaid Commons, by Authority aforeſaid hath ordained, That the ſaid Statute be holden and kept, and put in due Execution in all Points; joined to the ſame, that if any ſuch Indictments taken, or to be taken, before any Juſtices of Peace, or before any other having Power to take ſuch Indictments or Appeals, or other Juſtices or Commiſſioners in any County, Franchiſe, or Liberty of *England*, ſhall be removed before the King in his Bench or elſewhere, by *Certiorari* or otherwiſe, then after ſuch removing, before any Exigent awarded upon any ſuch Indictment or Appeal in the Form aforeſaid taken, or to be taken, that preſently after the firſt Writ of *Capias* upon every ſuch Indictment or Appeal awarded and returned, that another

8 H. 6. c. 10.

A Confirmation of the Statute 8 H. 6. c. 10. touching Proceſs upon Indictments of Perſons dwelling in foreign Counties. Raſt. 52.

Proceſs when the aforeſaid Indictments, &c. are removed into the King's Bench.

another Writ of *Capias* be awarded, directed to the Sheriff of the County, whereof he that is ſo indicted or appealed is or was ſuppoſed to be converſant by the ſame Indictment or Appeal, returnable before the King in his Bench at a certain Day, containing the Space of three Months, or four, from the Date of the ſaid laſt Writ of *Capias*, according to the Manner and Form that the Juſtices of Peace, and other in the ſaid firſt Statute contained, ought to have done, before ſuch removing after the making of the ſaid firſt Statute, and moreover to make Proceſs according to the Effect and Purport of the ſaid firſt Statute. And if any ſuch Exigent be hereafter awarded upon any ſuch Indictment or Appeal after ſuch removing againſt the Form aforeſaid, or any Outlawry thereupon pronounced, as well the ſame Exigent ſo awarded, as the Outlawry thereupon to be pronounced, and every of them, ſhall be holden for none and void, according as in the ſaid firſt Statute is more fully contained.'

Ex Rot. in Turr. Lond.

brief de Capias ſoit agarde direct al viſcount del countee dount celuy qeſt enditee ou appelle eſt ou fuiſt ſuppoſe deſtre converſant par meſme lenditement ou appelle retournable devaunt le Roi en ſon Bank a un certein jour conteignent leſpace de trois mois ou quatre mois del date del dit darrein brief de Capias ſolonc les maner & fourme qe les juſtices de peas & autres en le dit primer eſtatuit contenuz deuſſent avoir fait avaunt tiel remoevement puis la feſaunce du dit primer eſtatuit & enouſtre de ent faire proceſſe ſolonc leffect & purport del dit primer eſtatuit. Et ſi aſcun exigende ſoit agarde enapres ſur aſcun tiel enditement ou appell apres tiel remoevement encountre la fourme avauntdite ou aſcun utlagarie ſur ceo pronuncie ſoit ſibien celle exigende enſi agarder come lutlagarie ſur ceo a pronuncier & cheſcun de eux tenuz pur null & voide ſolonc ceo qen le dit primer eſtatuit eſt contenuz pluis au plein.

CAP. VII.

All Wools and Woollfels that ſhall be carried to any other Place than to *Calais*, ſhall be forfeited to the King and the Finder. *See Appendix.*

In Rotulo parliamenti tenti apud Weſtm' duodecimo die Maij Anno Regni Regis Henrici *Sexti poſt conqueſtum decimo* Stat. 2. †

Ex Rot. in Turr. Lond.

Pro Juſticiariis Servientibus ad Legem & Attornato Domini Regis.

ITEM quedam alia Petitio exhibita fuit prefato Domino Regi in Parliamento predicto per prefatos Communes pro Juſticiariis Servientibus ad Legem & Attornato Domini Regis in hec Verba Priount les Communes a iceſt preſent Parlement aſſemblez qe pleaſe a noſtre Soverain' Seignur le Roi par advis des tres reverentz & tres gracious Seignurs a iceſt preſent Parlement aſſemblez conſiderer coment les Juſtices de Bank le Roi & del Commune Bank les Juſtices as aſſiſes prendre aſſignez les Sergeantz & lattourney du Roi pur le temps eſteantz devaunt ces hoeures feurent tout temps paiez en mayns de lour fees & regardes du Roi par les Treſorerz dEngleterre pur le temps eſteantz annuelment en les termes de Paſque & Seint Michell par ouelles portions tanqe al temps de William Kynwolmerſhe jatarde Treſorer dEngleterre & puis qils feurent mys de prendre pur lour payment aſſignementz des dettours de Roi queux par tiels aſſignementz a la foitz riens ſaunz regarde payer ne voillent des queux dettours les ditz Juſtices Sergeauntz & Attourne ount eſtee & ſount treſmalement ou trop tarde & ove grauntes delayes ou jammes payez & outre ſouvent ſount mys de querer & eſpier dettours du Roi des queux ils voillent avoir lour aſſignementz la ou ils nount ne ſaunz graunde daunger & diligence avoir poient coniſaunce de tielx dettours ne a eux eſpier & querer & pur lour payementz treter attendre ne poient ſaunz leſſer faire lour office & ſervice a Roi & le poeple deliverer & qe expedient a Roi & a ſon poeple ou honeſte ou convenient as offices des ditz Juſtices Sergeauntz & Attourne neſt il mye de querer & eſpier les ditz dettours & eux par daungerous meſnes entreter pur lour payment aver queux a la foitz pur ceo faire deſiront & demaundont eſtre regardez ou non reſonablement favourez encountre le ſerement des ditz Juſtices Sergeantz & Attourne & de conſiderer auxi les graundes & continuelx coſtages & expenſes qe les ditz Juſtices ſount en lour entendaunce en faiſant lour ditz offices & ſervicez a Roi & le graunde perde & damage qils ount de lour fees & gayne de ceo qils ſount aſſignez Juſtices qamounterount a graunt part pluis qe lour ditz fees & regardes de Roi & ſur ceo par auctorite diceſt preſent parlement d'ordiner qe les ditz Juſtices Sergeantz & Attourne de Roi pur le temps eſteantz & cheſcun de eux ſoient paiez es mains de lour ditz fees & regardes de Roi en les ditz Termes par les mains des Treſorers dEngleterre pur le temps eſteantz & qe meſmes les treſorers ſoient tenuz a ceo faire par iſſint qe les ditz Juſtices Sergeantz & Attourne ne covyendra pur la purſuite de lour ditz paymentz aver de leſſer faire lour ditz office & ſervice a Roi deliverer le poeple qount a faire en lour offices avauntditz. Qua quidem petitione in parliamento predicto lecta audita & intellecta de aviſamento & aſſenſu predictis prefate petitioni taliter fuit reſponſum fiat prout petitur.

† This is mentioned as a Statute in the *Old Abridgement*, and called *Statutum per ſe*. But it ſeems to have been reſpited, for it is not entered upon the *Statute Roll*, and was not publiſhed as a Statute.

Statutes

Statutes made at Weſtminſter, Anno 11 HEN. VI. *and* Anno Dom. 1433.

Ex Rot. in Turr. Lond.

NOSTRE Seignur le Roy a ſon parlement tenuz a Weſtm' le viij. jour de Jule lan de ſon regne unziſme a la reverence de Dieu & pur le bien du poeple de ſon Roialme del advis & aſſent des Seignurs eſpirituelx & temporelx de meſme le Roialme & a la eſpeciale requeſt dez Communes de ſon dit Roialme en ſon dit Roialme eſteantz par auctorite de meſme le parlement ad fait ordeigne & eſtable certeins eſtatuitz declarations & ordenaunces en la fourme qenſuit.

"OUR Sovereign Lord the King, at his Parliament holden at *Weſtminſter* the Eighth Day of *July*, the Eleventh Year of his Reign, to the Reverence of God, and for the Weal of the People of his Realm, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Requeſt of the Commons of his Realm in his ſaid Parliament aſſembled, by Authority of the ſame Parliament, hath ordained and ſtabliſhed divers Statutes, Declarations, and Ordinances, in the Form following."

CAP. I.

They that dwell at the Stews in *Southwark* ſhall not be impanelled in Juries, nor keep any Inn or Tavern but there. *See Appendix.*

CAP. II.

The Penalty where a Sheriff is named a Diſſeiſor in an Aſſiſe.

ITEM come divers gentz ſovent foitz ſuent aſſiſes de novell diſſeiſyn devaunt Juſtices aſſignez envers diverſez perſones & par ſubtillite & colluſion pur avoir lour brefs de lours ditz aſſiſes directz as coroners dez countees ou les tenementz ſount pur faire execution dicell brefs ſount nomer en loures ditz aſſiſes le viſcount de meſme le counte une dez diſſeiſoures lou il neſt ne unqes fuiſt diſſeiſour ne tenaunt dez tenementz en demaunde parount ſovent foitz lez ditz aſſiſes ſount agardez par defaute dez tenantz quex nount my conuſaunce de ceux aſſiſes en tant qils ne trovent my aſcune aſſiſe envers eux en la felace de viſcount & nount aſcune ſuſpecion de aſcune tiel aſſiſe priz envers le viſcount & eux Noſtre Seignur le Roi voillant en ceo cas purvoir de remedie del aſſent & auctorite ſuiſditz ad ordeigne qen tous tiels aſſiſes purchaſez & a preſent pendantz ou a purchaſers deſore enavaunt parentre queconqes perſones devaunt aſcuns tieux Juſtices en quex aſſiſes aſcune tiel viſcount ſoit nomez deſſeiſour ſi lez tenantz en lez ditz aſſiſes ou aſcun de eux voil averrer qe le dit viſcount neſt ne unqes fuiſt diſſeiſour ne tenaunt dez tenementz en demaunde mais fuiſt nome diſſeiſour par colluſion ſoit laverrement receuz. Et ſi trove ſoit par la dit aſſiſe qe le dit viſcount ne ſoit ne unqes fuit diſſeiſor ne tenaunt dez tenementz en demaunde mais fuiſt nome diſſeiſour par colluſion adonqes lez ditz Juſtices facent abater & caſſer le dit brief purchaſe ou purchaſer en la fourme ſuiſdit & qe lez pleintifs ou pleintiſe ſoient ou ſoit en le greve mercy le Roi.

"ITEM, Whereas ſeveral Perſons do often ſue Aſſiſes of *Novel diſſeiſin* before Juſtices aſſigned againſt divers Perſons, and by Craft and Colluſion to have their Writs of their ſaid Aſſiſes directed to the Coroners of the Counties where their Tenements be, to make Execution of the ſaid Writs, do name in their ſaid Aſſiſes the Sheriff of the ſame County one of the Diſſeiſors, where he is not, neither ever was Diſſeiſor or Tenant of the Tenements in Demand, whereby oftentimes the ſaid Aſſiſes be awarded by the Default of the Tenants which have no Knowledge of thoſe Aſſiſes, for that they found not any Aſſiſe againſt them in the File of the Sheriff, nor have any Suſpicion of any ſuch Aſſiſe taken againſt the Sheriff and them;" 'our Lord the King, willing in this Caſe to provide Remedy, of the Aſſent and Authority aforeſaid, hath ordained, That in all ſuch Aſſiſes purchaſed, at this Time depending, or hereafter to be purchaſed, between any Perſons whatſoever they be, before any ſuch Juſtices, in which Aſſiſes any ſuch Sheriff is named Diſſeiſor, if the Tenants in the ſaid Aſſiſes or any of them will aver, that the ſaid Sheriff is not, nor ever was, Diſſeiſor, nor Tenant of the Tenements in Demand, but was named Diſſeiſor by Colluſion, the Averment ſhall be received. And if it be found by the ſaid Aſſiſe, that the ſaid Sheriff is not, nor ever was, Diſſeiſor nor Tenant of the Tenements in Demand, but was named Diſſeiſor by Colluſion, then the ſaid Juſtices ſhall cauſe to be abated and quaſhed the ſaid Writ purchaſed, or to be purchaſed in the Form above-ſaid; and that the Plaintiffs or Plaintiff be in the grievous Mercy of the King.'

CAP. III.

An Aſſiſe, &c. maintainable againſt the Pernor of the Profits.

ITEM come par eſtatuit fait lan quart le Roy HENRY pier noſtre Seignur le Roi quoreſt entre autres ordene ſoit qe les diſſeiſez eiant lour

"ITEM, Whereas by a Statute made the Fourth Year of the Reign of King HENRY, Grandfather of our Lord the King that now is, amongſt 4 H. 4. c. 7.

" other Things it was ordained, That the Diſſeiſees, " ſhall have their Actions againſt the Diſſeiſors du- " ring the Lives of the Diſſeiſors, ſo that ſuch Diſſeiſors " thereof take the Profits at the Time of the Suit com- " menced, as in the ſame Statute is contained more at " large. The which Statute, according to the Opi- " nion of many, hath been intended in Writs of As- " ſiſe of *Novel diſſeiſin* only, and as great Miſchief it " is to the Parties Demandants in other Writs ſued " and grounded upon *Novel diſſeiſin*, as in Aſſiſe." ' Wherefore our Lord the King, willing all Manner ' of Opinions and Doubts in that Behalf to ceaſe, ' hath ordained by the Aſſent and Authority aforeſaid, ' That in all Manner of Writs grounded upon *Novel* ' *diſſeiſin*, the Diſſeiſees ſhall have their Recoveries, if ' they will, by ſuch Writs, againſt the Diſſeiſors or ' their Feoffees, as well as they ſhall have in Aſſiſe of ' *Novel diſſeiſin*, ſo that the ſame Diſſeiſors, or their ' Feoffees, againſt whom the Writ ſhall be brought, ' thereof take the Profits at the Time of the Writ pur- ' chaſed, notwithſtanding any Gifts or Feoffments ' made to other Perſons to delay the Demandants.'

1 R. 2. c. 9.
Farther provided for by 1 H. 7. c. 1. 27 H. 8. c. 10.

Ex Rot. in Turr. Lond.

action envers lez diſſeiſoures durant la vie meſmes lez diſſeiſoures parenſi qe tiels lez diſſeiſours ent preigne lez profettes al temps del ſute commence ſicome en meſme leſtatuit eſt contenuz pluis au plein. Le quell eſtatut ſolonqe loppinion dez pluſours ad eſte entenduz es brefs daſſiſes de novel diſſeiſin toutſolement & ſi graundement meſchefe eſt a les parties demaundantz en autres briefs ſuez & founduz ſur novell diſſeiſin come en aſſiſe. Et voillant par tant meſme noſtre Seignur le Roi tous maners oppinions & doutes en ceſt parte ceſſer ad ordene par laſſent & auctorite ſuiſditz qen tous maners dez briefs fonduz ſur le novell diſſeiſin lez deſſeiſez eient lour recoverer ſils voil- lent par tiels briefs envers lez diſſeiſoures ou lour feffees auxibien come ils averoient en aſſiſe de novell diſſeiſin pariſſint qe meſmes lez diſſeiſoures ou lour feffees vers qui ou quex le breſe ſerra porte ent pregne ou pregnent lez profettez al temps del bref purchace nient contreſteant aſcuns dons ou feffementz faitz as autres perſones pur delaier lez demaundantz.

CAP. IV.

The Plaintiffs in Attaint ſhall recover their Coſts and Damages.

The ſeveral Pleas and Delays that were in Attaint at the Common Law.

" ITEM, Our Lord the King, by the grievous Com- " plaint of his Commons, conſidering the Miſ- " chiefs had within the Realm, and yet not remedied, " and alſo the great Damage and Diſheriſon that " cometh by the uſual Perjury of Jurors impanelled " upon Inqueſts, as well in the Courts of our Lord " the King, as of other, the which Perjury doth " abound and increaſe daily more than it was wont, " for the great Gifts that ſuch Jurors take of the Par- " ties in Pleas ſued in the ſaid Courts; wherefore " the greater Part of the People that have to ſue in the " ſaid Courts, leave their Suits for the Miſchiefs " aforeſaid, and namely in reſpect of the Delays that " be in the Writs of Attaints; for that in Times paſt " in Writs of Attaints, when the Grand Jury had " appeared in Court, and were ready to paſs, one of " the Tenants or Defendants, or of the petty Jurors " named in ſuch Writs, ſometime have pleaded falſe " and faint Pleas, which were not triable by the " Grand Jury of the Attaint, and by that Means " delayed the taking of ſuch Grand Juries until ſuch " Pleas were tried. And after ſuch Pleas tried and " found for the Plaintiffs, another of the Jurors, " Tenants, or Defendants, might plead another ſuch " falſe and faint Plea after the laſt Continuance in " the ſame Attaints, and ſo every of the Defendants, " Jurors, or Tenants, after other, might plead ſuch " falſe and faint Plea, and delay the Grand Jury when " it was ready to paſs; and though that all ſuch " falſe and faint Pleas were found againſt them which " pleaded, no Pain was given them by the Common " Law, in regard of which Delays, the Grand Ju- " ries in Attaints have been often grievouſly vexed and " travelled, and the Plaintiffs in ſuch Attaints put to " ſo great Coſts, and thereby impoveriſhed, that they " could not proſecute their ſaid Suits, wherefore the " Jurors be the more encouraged to be perjured, and " to make their falſe Oaths in ſuch Caſes:" ' Our ' ſaid Lord the King, willing thereof to provide Re-

Enforced and amended by 23 H. 8. c. 3.

ITEM noſtre Seignur le Roy par la grevouſe compleint dez ſez Communes conſiderant lez graundes meſchefs ewez deinz le Roialme & un- qore nient remedez & auxi le graunde damage & diſheretiſon qavient par le uſuell perjure dez jurrours enpanellez en enqueſtes ſibien en lez courtes du Roi come dautres la quell purjure ha- bunde & encrece de jour en autre pluis qe ſoloit pur lez graundes dounes que tiels jurrours preg- nent de lez parties es plees ſuez en lez ditz cour- tes a taunt qe le greindre partie dez gentz qount a ſuer en lez ditz courtes leſſent lour ſute par lencheſon ſuiſdit & nomement a cauſe qe lez de- laies que ſount en lez briefs datteintes purceo qe avaunt cez heures en briefs datteint quant le graunde jure ad apparue en court & fuiſt preſt de paſſer un dez tenantz ou defendantz ou des petites jur- rours nomez en tielx briefs a la foith ount pledes feintes & fauxes plees quex ne fuerent triablez par la graunde jure de latteint & par celle cauſe delaiez la pries dez tielx graundes juriees tanque tiels plees fuerent triez. Et apres tielx plees triez & trovez pur le pleintifs une autre dez jur- rours tenauntz ou defendantz purront pleder une autre tiel fauxe & feinte plee pluis la darrein continuance en meſmes lez atteintez. Et iſſint cheſcune dez defendantz jurours ou tenantz apres lautre purroit pleder tiel fauxe & feinte plee & delaier la graunde juriee quant il fuiſt preſt de paſſer. Et combien qe tous tiels faux & feinte plees furent trovez envers eux qui eux plederent nulle peine fuiſt done envers eux par la commune ley a cauſe dez quex delaiez lez graundes jur- rees en atteintes ount eſte ſovent grevouſement vexez & laborez & lez pleintifs en tiels atteintz myz a ſi graunde coſtages & enſi enpoverez qils ne purroient ſuer avaunt lours ditz ſuites par qe lez jurrours ount eſte meulx embaudez deſtre perjurez & fair faux ſerementz en tielx caſes. Et voillant

ſur

Ex Rot. in Turr. Lond.

ſur ceo noſtre dit Seignur le Roi purvoier de remedie a la requeſt dez ditz Communes & de laſſent des Seignurs deſuiſditz ad ordene & eſtable qe les parties pleintifs en tous tiels atteintez recoverount lour damages & coſtaiges envers tous tielx tenauntz jurrours & defendant qils ount ſuſtenez en cele partie. Et qe ceſt eſtatuit ſoy extende auxibien as briefs datteintz ore pendantz come as briefs datteintz a purchaſerez en temps avenir.

'medy, at the Requeſt of the ſaid Commons, and by 'the Aſſent of the Lords above-ſaid, hath ordained and 'eſtabliſhed, That the Parties Plaintiffs in all ſuch 'Attaints ſhall recover their Damages and Coſts 'againſt all ſuch Tenants, Jurors, and Defendants, 'which they have ſuſtained in that Behalf; and that 'this Statute extend as well to Writs of Attaints now 'hanging as to Writs of Attaints to be purchaſed 'hereafter.'

See farther Regulations in Attaints 11 *H.* 7. *c.* 21 & 24. 19 *H.* 7. *c.* 3. *and* 37 *H.* 8. *c.* 5.

CAP. V.

The Remedy where a Tenant granteth over his Eſtate, taketh the Profits, and committeth Waſte.

ITEM pur ceo qe lou diverſes gentz devaunt cez heures ount leſſez lour terres & tenementz as diverſes perſones ceſtaſſavoir a terme de vie ou a terme dautre vie & aſcunes a terme dez anz lez ditz tenauntz ſovent foitz ount graunte & leſſe lour eſtate quex avoient en lez ditz terres & tenementz a pluſoures perſones al entent qe ceux en la reverſion ceſtaſſavoir loure leſſoures lours heires ne lour aſſignes ne dueent avoir conuſance des loures noune & puis lez ditz premer tenauntz continuelment occupient lez ditz terres & tenementz & ent pregnent lez profettes a lour propre uſe & en lez ditz terres & tenementz ſount waſt & deſtruction a diſheritaunce de ceux en la reverſion ordeigne eſt & eſtable qe ceux en la reverſion en tiel cas purroient avoir & maintenere brief de Waſt envers lez ditz tenauntz a terme de vie dautre vie & dez anz & iſſint recoverer envers eux le lieu waſte & lours trebles damages pur la waſt iſſint par eux fait ſicome ils dueent avoir fait pur le waſt par eux fait devaunt lez ditz graunte & leſſe de lour eſtate. Purveu toutz foitz qe cele ordenaunce ne teigne lieu forſque lou lez premers tenauntz devaunt lez leſſe & le graunte de lour dit eſtate en le manere & fourme ſuiſditz fuerent puniſhablez de waſt & auxi lou apres le ditz graunt & leſſe les ditz premers tenauntz dez ditz terres & tenementz pregnent lez profettes a lour propre opſe demeſne al temps de waſt fait. Et qe ceſt ordenance ſoy extente auxibien al waſt par tielx tenauntz fait devaunt ceſt ordenance come apres.

"ITEM, Becauſe that divers People in Time paſt "have let their Lands and Tenements to divers "Perſons, that is to ſay, ſome for Term of Life or "of another Man's Life, and ſome for Term of Years, "the ſaid Tenants have oftentimes let and granted "their Eſtate which they had in the ſame Lands and "Tenements, to many Perſons, to the Intent that "they in the Reverſion, that is to ſay, their Leſſors, "their Heirs, or their Aſſigns, might not have "Knowledge of their Names, and after the ſaid firſt "Tenants continually occupy the ſaid Lands and "Tenements, and thereof take the Profits to their "proper Uſe, and in the ſaid Lands and Tenements "commit Waſte and Deſtruction, to the Diſherit-"ance of them in the Reverſion:" 'It is ordained 'and eſtabliſhed, That they in the Reverſion in ſuch 'Caſe may have and maintain a Writ of Waſte againſt 'the ſaid Tenants for Term of Life, of another's 'Life, or for Years, and ſo recover againſt them the 'Place waſted, and their treble Damages, for the 'Waſte by them done, as they ought to have done for 'the Waſte committed by them before the ſaid 'Grant and Leaſe of their Eſtate. Provided always, 'That this Ordinance hold not Place, but where 'the firſt Tenants before the Leaſe and Grant of 'their ſaid Eſtates, in the Manner and Form above-'ſaid, were puniſhable of Waſte; and alſo where 'after the ſaid Grant and Leaſe the ſaid firſt Tenants 'of the ſaid Lands and Tenements take the Profits 'at the Time of the Waſte done, to their own proper 'Uſe. And this Ordinance ſhall extend as well 'to Waſte by ſuch Tenants done before this Ordi-'nance, as after.'

5 Co. 77.

CAP. VI.

No Suit pending before any Juſtices, &c. ſhall be diſcontinued by a new Commiſſion.

ITEM noſtre Seignur le Roi conſiderant lez graundes perdes & damages que ſovent foitz ount avenuz & veriſemblablement avenderount apres ſibien a luy meſmes come as pluſours dez ſez leges de ceo qe la ou ſibien diverſez enditementez & ſutes pur noſtre Seignur le Roi come autres ſutes parentre parte & parte ount eſte priſez devaunt diverſez juſtices de pees aſſignez par diverſez commiſſions de Roi en diverſez countes dEngleterre & diverſes plees & proceſſes ſur icelles enditementz ount ſovent eſte faitez & pendantz devaunt meſmes les juſtices nient determinez

"ITEM, Our Lord the King conſidering the great "Loſſes and Damages which oftentimes have come "and be likely to come hereafter, as well to himſelf "as to many of his Lieges, for that where as well di-"vers Indictments and Suits for our Lord the King, as "other Suits between Party and Party have been taken "before divers Juſtices of the Peace, aſſigned by ſeve-"ral Commiſſions of our ſaid Lord the King in divers "Counties of *England*, and divers Pleas and Proceſſes "upon thoſe Indictments have often been made, and "hanging before the ſame Juſtices not determined, the

Further provided for by 1 Ed. 6. *c.* 7. *and* 2 & 3 *P. & M. c.* 18.

" which Pleas and Proceſſes have been often diſcontinu-
" ed, by making of new Commiſſions of the Peace in
" thoſe Counties, to the great Loſs of our ſaid Lord the
" King and of his Subjects, in Delay of the ſame Pleas
" and Suits, and of the Deliverance of his ſaid
" Subjects:" ' And upon that our Lord the King
" willing to provide Remedy, of the Aſſent and Au-
" thority aforeſaid, hath ordained and eſtabliſhed, That
" in all ſuch Pleas, Suits, and Proceſſes, in them to be
' taken and to be made before Juſtices of the Peace
' in any County of *England*, the ſaid Pleas and Pro-
' ceſſes in ſuch Suits to be done ſhall not be diſcon-
' tinued by ſuch new Commiſſions of the Peace to be
' made, but thoſe Pleas and Proceſſes ſhall ſtand in
' their Force. And the Juſtices in the ſame new
' Commiſſions ſo aſſigned, after that they ſhall have
' the Records of the ſame Pleas and Proceſſes before
' them, ſhall have Power and Authority to continue
' the ſaid Pleas and Proceſſes; and the ſame Pleas and
' Proceſſes, and all that depend upon them, to hear
' and finally to determine, as the other Juſtices might
' and ought to have done of and in the ſame, if no
' new Commiſſion had been made.'

Ex Rot. in Turr. Lond.

lez queux plees & proceſſes ſovent ount eſte diſ-
contenuz par faiſaunces de novell commiſſions
du pees en icelles countes a graunde perde noſtre
dit Seignur le Roi & dez ſez lieges & en retarda-
tion dez meſmes lez plees & ſutees & de la deli-
veraunce dez ſez ditz lieges. Et ſur ceo noſtre
dit Seignur le Roi voillant purvoier de remedie de
laſſent & auctorite ſuiſditz ad ordene & eſtable
qen tous tielx ſutes & plees & proces en icelles
apprendres & affaires devaunt juſtices de pees en
aſcune counte dEngleterre lez ditz plees & proces
en tiels ſutes affaires ne ſoient my diſcontenuz
par tiels novell commiſſions de pees affaires mes
eſtoient meſmes lez plees & proceſſes en lour
force. Et eient lez juſtices de meſmes lez no-
vell commiſſions enſi aſſignez apres ceo qils ave-
rount lez recordes dez ditz plees & proceſſes de-
vaunt eux poair & auctorite dez lez ditz plees &
proceſſes continuer & meſmes lez plees & proceſſe
& tous lez dependantz dicelles oier & finalment
determiner ſicome lez autres juſtices purrount
& duiſſent avoir fait de & en icelles ſi null novell
commiſſion euſt eſte fait.

CAP. VII.

The Statute of 9 *H.* 6. *c.* 7. which reſtraineth the Sheriff of the County of *Hereford* to take Money by Extortion, *&c.* revived for Three Years. *See Appendix.*

CAP. VIII.

A Confirmation of all Statutes made touching Weights and Meaſures.

8 H. 5. c. 10.

" ITEM, Whereas in the Parliament holden at *Weſt-*
" *minſter* the Firſt Year of King HENRY, Father of
" our Lord the King that now is, it was ordained,
" That all the Statutes and Ordinances made of Mea-
" ſures of Corn ſhould be firmly holden and kept after
" the Effect of the ſame; and that no Purveyors of
" the King, nor of other, ſhould not after that Time
" forth, buy nor take any Corn or other Meaſure, but
" by eight Buſhels ſtriken for the Quarter, and that
" none ſhall be bound otherwiſe to deliver for the
" Quarter but eight Buſhels ſtriken for the Quarter,
" as above is ſaid, and alſo that Payment ſhall be
" made preſently for the Carriage of the ſame. And
" that if any Purveyor of our Lord the King, or of
" other Perſon, from that Time forward do buy or
" purvey any Corn otherwiſe, or by other Meaſure,
" than by eight Buſhels ſtriken for the Quarter, as be-
" fore is ſaid, and of that be attainted, he ſhall have
" one Year's Impriſonment, and ſhall pay to the King
" an hundred Shillings, and to the Party that feeleth
" him grieved another hundred Shillings; and that as
" often as any of them ſhall be thereof attainted;
" and that the Party that will ſue ſhall have thereof an
" Action grounded upon the Caſe. And that the
" Juſtices of Peace ſhall have Power to inquire and to
" hold Plea of all the Things aforeſaid, and there-
" upon to aſſign Puniſhment, as well at the Suit of
" the King as of the Party; and that from the ſame
" Time forward nothing ſhould be taken for the mea-
" ſuring of ſuch Corn in any Manner. And not-
" withſtanding the ſaid Ordinances and Statutes, as
" well the Bakers, and all other Merchants and Buy-
" ers within the Franchiſe and City of *London*, as the

ITEM come en le parlement tenuz a Weſtm'lan
premer de Roi HENR' pier noſtre Seignur le
Roi qoreſt ordene fuiſt qe tous lez eſtatuitz &
ordenances dez meſures dez bleez dueſſent eſtre
fermement tenuz & garduz ſolonqe lenfect dicells.
Et qe null dez purvoiours de Roi nautre ne duiſ-
ſent en apres ne de celle temps enavaunt achater
ne prendre aſcuns blees par autre meſure ſinon par
viij. buſſelx raſez pur le quarter & qe null ſerroit
tenuz autrement a deliverer per le quarter ſinon
viij. buſſelx raſez pur le quarter come devaunt eſt
dit & auxint qe paiement ſerroit fait preſtement
pur le cariage dicelles. Et qe ſi aſcun purveiour
ou autre perſone dicelle temps enavaunt accha-
teroit ou purveroit aſcuns blees autrement ou par
autre meſure ſinon viij. buſſelx pur le quarter
come avaunt eſt dit & de ceo ſerroit atteint averoit
lenpriſonement dun an & qil paieroit au Roi C.
s. & a parte que ſe ſente greve autre C. s. & ceo
atant dez foitz qe aſcune de ceux de ceo ſerroit
atteint. Et qe la parte qe voudroit ſuer averoit ent
action founduz ſur la cas. Et qe lez juſtices de
la pees duiſſent avoir poair denquerer & plee
tenere dez touz lez choſes avauntditz & ſur ceo
de faire puniſhment ſibien al ſuit de Roi come de
parte. Et qe de celle temps enavaunt riens ſerroit
priz pur le meſurage dez tiels blees en aſcune
manere. Et nient obſtant aſcuns ordenances &
eſtatutz ſibien lez piſtour & tous autres merchantz
& achatours deins le franchiſes & Cite de Londres

come

Ex Rot. in Turr. Lond.

come lez purveiours le Roi dez bleez & touz autres marchauntz & communes achatours de blees en pluſours citees villes burghes & countees dEngleterre continuelment de jour en autre achatent & pregnent noef buſſelx pur le quarter ceſtaſſavoir lez piſtours achatours & merchantz deins le fraunchiſes & Cite de Londres dar une veſſell appelle le Fat que contient viij. buſſelx dez blees ove une autre buſſell myz a icell pur une quartre & fount lez vendours dez ditz blees encountre lour volunte de paier une maile pur le meſurage de cheſcun quarter & tous lez autres purveours achatours & merchantz dez ditz blees noef buſſelx raſez pur le quarter encountre la fourme dez ditz ordenances & eſtatuitz & en contempt du Roi a cauſe qe lez ditz eſtatuitz & ordenaunces ne ſount my proclaymez ne myz en execution ne lez ditz peynes & forfaitures par le dit eſtatuit limitez levez ſolonque lenfect de meſme leſtatut. Noſtre dit Seignur le Roi voillant meſmes leſtatuit & ordenances eſtre duement tenuz & garduz par aſſent & auctorite ſuiſditz ad ordene qe ſibien les ditz eſtatuitz come leſtatuit dez poies & meſours faitz au parlement noſtre dit Seignur le Roi quoreſt lan de ſon regne viij. ſoient proclaymez ſibien en la dite Cite de Londres come en tous autres citees burghes & countees dEngleterre & myz en due execution ſolonque la fourme en lenfect dicelles Adjouſtant a dit eſtatuit fait le dit an viij. qen cheſcun cite burgh ou ville du Roialme ſoit une commune buſſell enſeale & accordant a leſtandard de leſchekker en meſme le manere & fourme & ſur meſmes lez peines come en meſme leſtatuit eſt ſpecifie de une commune balaunce a eſtre en cheſcune tiel cite burgh ou ville. Et qe le Mair de dit Cite de Londres & tous autres mairs dez tous autres citees & burghs dEngleterre ou il y ad mair & tous baillifs dez citees & burghes ou mair neſt & touz juſtices du pees de cheſcun counte dEngleterre pur les temps eſteant eit & eient plein poair de mettre tous lez ſtatuitz & ordenances avauntditz en deu execution & de oire & terminere tous lez defautes meſpriſions offenſes & treſpas encountre la fourme & lenfect dez ditz eſtatuitz & ordenances faitz ou affaires ou perpetrez ſibien al ſuit du Roi come de parte qen ceo cas ſe ſent greve & de cheſcun autre lieges du Roi qen celle parte voill ſuer pur le Roi & ceo ſibien par examination dez parties ou aſcune deux ſolonque la diſcretion dez ditz mairs baillifs & juſtices de peas come par iſſues a trier par inquiſitions duement apprendre & autres plees & proceſſes de la ley de la terre & qe ſibien la parte greve come cheſcun lege de Roi qui ſuer voill pur le Roi eit la ſuit en ceo cas a ſa volunte. Et qe celly qui iſſint ſoint atteint daſcune defaute meſpriſion offenſes ou treſpas fait encountre le dit eſtatuit fait le dit an premer paie a cely a qui ſute il ſoit atteint C. s. & lez coſtages reſonablez de ſa dit ſuit & au Roi autre C. s. Et qe ſibien le Mair de Loundres pur le temps eſteant apres ceo qil ſoit eſluz Mair & jure deins la dit Cite a ſon premer venue a leſcheker devant le Treſorer dEngleterre & lez Barons de

‘ King's Purveyors of Corn, and all other Merchants
‘ and common Buyers of Corn in many other Cities,
‘ Towns, Boroughs, and Counties of *England*, conti-
‘ nually from Day to Day, do buy and take nine
‘ Buſhels for the Quarter, that is to ſay, the Bakers,
‘ Buyers, and Merchants within the City and Fran-
‘ chiſes of *London*, by a Veſſel called the *Fat*, which
‘ containeth eight Buſhels of Corn, with another
‘ Buſhel of Corn put to that for a Quarter; and make
‘ the Sellers of the ſame Corn againſt their Will to
‘ pay one Halfpenny for the meaſuring of every Quar-
‘ ter, and all the other Purveyors, Buyers, and Mer-
‘ chants of Corn, nine Buſhels ſtriken for the Quarter,
‘ againſt the Form of the ſaid Ordinance and Statute,
‘ and in Contempt of our Lord the King, for that
‘ the ſaid Ordinances and Statutes be not proclaim-
‘ ed nor put in Execution, nor the ſaid Penalties
‘ and Forfeitures, limited by the ſaid Statute, le-
‘ vied according to the Effect of the ſame Statute.”

A Meaſure in *London* called the *Fat*.

‘ Our ſaid Lord the King, willing the ſame Sta-
‘ tute and Ordinance to be duly holden and kept, by
‘ the Aſſent and Authority aboveſaid, hath ordained,
‘ That as well the ſaid Statute, as the Statute of
‘ Weights and Meaſures, made at the Parliament of
‘ our Lord the King that now is, the Eighth Year of
‘ his Reign, be proclaimed, as well in the City of
‘ *London*, as in all other Cities, Boroughs, and Coun-
‘ ties of *England*, and put in due Execution after the
‘ Form and Effect of the ſame; joining to the ſaid
‘ Statute made the ſaid Eighth Year, that in every
‘ City, Borough, and Town of the Realm, there
‘ ſhall be a common Buſhel ſealed, and according to
‘ the Standard of the Exchequer, in the ſame Manner
‘ and Form, and upon the ſame Pain, as in the ſame
‘ Statute is ſpecified, of a common Balance to be in
‘ every ſuch City, Borough, and Town. And that
‘ the Mayor of the ſaid City of *London*, and all
‘ other Mayors of all other Cities and Boroughs of
‘ *England* where there is a Mayor, and all Bailiffs of
‘ Cities and Boroughs where there is no Mayor, and
‘ all Juſtices of Peace in every County of *England*
‘ for the Time being, ſhall have full Power to put all
‘ the Statutes and Ordinances aforeſaid in due Execu-
‘ tion, and to hear and determine all the Defaults,
‘ Miſpriſions, Offences, and Treſpaſſes againſt the
‘ Form and Effect of the ſaid Statutes and Ordinances
‘ done, or to be done or committed, as well at the
‘ Suit of the King, as of the Party which in ſuch Caſe
‘ feeleth himſelf grieved, and of any other of the King's
‘ liege People, which in this Behalf will ſue for the
‘ King, and that as well by Examination of the Par-
‘ ties, or any of them, according to the Diſcretion of
‘ the ſaid Mayors, Bailiffs, and Juſtices of Peace,
‘ as by Iſſues to be tried, by Inquiſitions duly to be
‘ taken, and other Pleas and Proceſſes of the Law of
‘ the Land; and that as well the Party grieved,
‘ as any other liege Man of the King, that will ſue
‘ for the King, ſhall have the Suit in that Caſe at his
‘ Will; and that he that is ſo attainted of any
‘ Default, Miſpriſon, Offence, or Treſpaſs done
‘ againſt the ſaid Statute made the ſaid firſt Year, ſhall
‘ pay to him at whoſe Suit he is thereof attainted,
‘ C. s. and his reaſonable Coſts of the ſaid Suit, and
‘ to the King another C. s. And that as well the
‘ Mayor of *London* for the Time being, after that he is
‘ choſen Mayor, and ſworn within the ſaid City, at
‘ his firſt coming to the Exchequer before the Treaſurer
‘ of

A Confirmation of the Statute of 1 H. 5. c. 10. & 8 H. 6. c. 5. touching Weights and Meaſures.

There ſhall be a common Buſhel in every Town. 11 H. 7. c. 4.

All Mayors and Bailiffs ſhall be ſworn to execute the foreſaid Statute touching Weights and Meaſures;

'of *England*, and the Barons of the King's Exche-
'quer, as every of the ſaid other Mayors and Bailiffs,
'in their Oaths to be made for their ſaid Offices, ſhall
'be charged and ſworn to do, keep, and execute
and accompt for the Profits accrued to the King by the foreſaid Statute. 'all the Statutes above ſaid. And that all the
'Mayors and Bailiffs of Cities and Boroughs of the
'Realm, accomptable in the ſaid Exchequer, do
'yearly accompt in the ſaid Exchequer of the Profits
'and Forfeitures that may or ought to pertain to our
'Lord the King by the Form of the ſaid Statutes.
'Saving always to Lords, Cities, and Boroughs,
'their Liberties and Franchiſes granted to them by
'our ſaid Lord the King, or any of his Progenitors,
'not revoked, repealed, or adnulled; and ſaving
'always, That the ſaid Statute made the Firſt Year
'of King HENRY the Fifth, and all other Statutes of
'Meaſures and Weights afore made, ſtand in their
Farther provided for by 12 *H.* 7. *c.* 5. 16 *Car.* 1. 'Force.'

c. 19. 22 *Car.* 2. *c.* 8. 22 & 23 *Car.* 2. *c.* 12. *and* 1 *Ann. ſtat.* 1. *c.* 15.

Ex Rot. in Turr. Lond.

leſchekker noſtre Seignur le Roi com cheſcune dez ditz autres mairs & bailliffs en lour ſerementz affairez pur lours ditz offices ſoit charge & jure de faire garder & executer touts leſtatuitz ſuiſditz. Et qe tous lez mairs & baillifs dez citees & burghes du Roialme accoumptantz en le dit eſchequer facent annuelment acompt en meſme leſchekker dez profettes & forfaitures qe apperteigner puiſſent ou duiſſent a Roi par la fourme dez ditz eſtatuitz ſavant tout foitz as Seignurs citees & burghs loures libertees & fraunchiſes grauntez a eux par noſtre dit Seignur le Roi ou aſcune dez ſez progenitours nient revokez repellez ou anientz & ſavant tous foitz qe le dit eſtatuit fait le dit an premer du Roi HENRY quint & tous autres eſtatuitz des meſures & poies avaunt faitz eſtoient en lour force.

CAP. IX.

Of what Length and Breadth Cloths called *Streits* ſhall be.

17 R. 2. c. 2. ITEM come en leſtatuit fait lan xvij. de Roi RICHARD le ſeconde puis le conqueſt ordene ſoit qe cheſcune home du Roialme purra faire & mettere a vende & vendre draps ſibien dez kerſeyes come autres dez tiels longure & lateure come luy plerra paiant launage & ſubſide & tous autres devoirs ceſtaſſavoir de cheſcune pees de drape ſolonqe laferant nient countreſteant aſcune ſtatuit ordenance proclamation reſtreint ou defenſe fait a contrarie. Et qe nul vende ou mette a vendre aſcune draps avaunt qils ſoient aunez par 7 H. 4. c. 10. lalneour du Roi & enſealez de ſeal a ceo ordeigne ſur le peine contenuz en leſtatuit en fait. Et puis en leſtatuit ent fait lan ſeptiſme de Roi HENRY quart Aiel noſtre Seignur le Roi quoreſt ordeine fuiſt auxi qe le drap de colour contene en longure xxviij. aulnes meſurez par le dorce & laeure vj. quarters & demy. Et ſi 11 H. 4. c. 6. lez faiſours dez draps ferroient lours draps de meindre longure ou laeure ils ſerrount forfaitz au Roy. Et puis par un autre eſtatuit fait lan unziſme le dit Roy HENRY le quart ordeine fuiſt qe proclamation ſerroit fait overtement parmye le Roialme qe null perſone faiſant tielx maners dez draps ou duſzenes deins le Roialme ſerroit cy hardy de takker & pliter enſemble tiels maners dez draps devaunt qe lalneour ad fait ſon ſerche & ſurveue duement dicelles draps qils teignerent lour longeure & laeure ordene par le dit eſtatuit darrein fait le dit an ſeptiſme ſicome en meſme leſtatuit eſt contenu pluis au plein. Sur quex eſtatuitz faitz le temps de dit Roi HENRY quart diverſez oppinions ount eſte tenuz en leſchekker noſtre Seignur le Roi ſicome meſme noſtre Seignur le Roi ad conceu par la compleint dez Communes de ſon Roialme noſtre Seignur le Roi voillant tielx oppinions ceſſer de laſſent & auctorite ſuiſditz ad declare qe ceſt parole Drap en lez ditz eſtatuitz devaunt reherſez eit relation & ſoit entendu a lez autres draps appellez brode clothes & brode duſaunes & nemy as autres draps & peces dez draps appellez ſtraites faitz ou afaires & outre ad ordeine & eſtable qe cheſcune home poet faire mettre a vende & vendre tous maners dez draps appellez Straites contenuantz en longeure xij. aulnes & en laeure un aulne nent euwez ou autrement xij. aulnes euwez ſanz empeſchement daſcune miniſtre de Roi paiaunt a Roi launage ſubſides & cuſtomes & autres devoirs ceſteaſſavoir de cheſcune drape & de cheſcune pees de drape ſolonqe la rate en lez ditz eſtatuitz contenuz. Et ſi lez faiſours dez tiels draps appellez Straites facent aſcunes draps a vendre de meindre longeure & laeure qe proſchienment deſuis eſt declare qadonqes bien liſe al alnour de couper la liſt a lune ſyn de tous tiels ſtraites draps nene conteignaunz la dit longuere & meſme le drap a eſtre vendu pur une remnaunt ou une pece & nemy pur une drap & qe null tiels draps ſoient myz a avendre tanqe lalnour les ad meſurez & fait par ſon ſerche & mys a eux le ſeal du Roi a ceo ordine ſur peine de forfaiture dicell. Et ſi aſcune aulneour enſeale aſcune tielx draps appellez ſtraites nient conteignauntz la longeure & laeure de ſtraites ſuiſdites & ne coupe la liſte dez tous tielx draps qui ne teignent lez ditz longure & laeure dez ſtraites qadonqes le dit lalneour paie au Roi pur cheſcune pece de drape trove defectiſe vj. s. viij. d. forſepris tous foitz qe tous draps appellez ſtraites faitz ou affairs tanqe al jour de Nativite de Seint Johan Baptiſtre proſchein avenere eient licence deſtre venduz & livere tanque al feſt de Nowell lors proſchein enſuant de queconqe longeure ou laeure qils ſoient.

How the Word *Cloth* ſhall be interpreted, and of what Cloths it is meant in the Statute of 7 H. 4. c. 10. & 11 H. 4. c. 6.

What Length and Breadth the Cloths called *Streits* ſhall contain.

27 El. c. 18. Cloths ſhall not be put to Sale until the Aulneger hath meaſured them, and put a Seal to them.

The Aulneger's Penalty for ſealing of defective Cloth.

5 & 6 Ed. 6. c. 6. 4 & 5 Ph. & M. c. 5. 4 Jac. 1. c. 2. *See* 11 & 12 W. 2. c. 20. *for taking away Aulnage Duties.*

CAP. X.

He ſhall find Sureties, &c. that ſueth to defeat an Execution upon a Statute.

"ITEM, Becauſe divers Perſons within this
"Realm in Times paſt often have been taken and
"arreſted by divers Sheriffs and other Officers of the

ITEM pur ceo de diverſez perſones deinz ceſt Roialme devaunt cez houres ſovent foitz ount eſte priz & areſtes par diverſes viſcountes & autres miniſtres

Ex Rot. in Turr. Lond.

miniſtres de Roi par breſs iſſantz ſibien hors de Chauncery de Roi come de ſez progenitours pur execution avoir de diverſez reconiſaunces faitz devaunt lez mairs de leſtaples de diverſez ſommes dez quex ſommes icelles perſones as quex la duite appent nount remedie covenable autre qe lez ditz executions lez quex perſones enſi priſez & areſtuz pur lexecution de meſmes lez reconiſaunces ſount ſovent faitz venir par diverſez breſs de Corpus cum cauſa devaunt le Roi en ſa Chauncery hors dez priſones es quex ils ſount iſſint detenuz a cauſe de tiel execution & illoqes ſuent en monſtrantz diverſez endentures & autres choſes en defaiſaunces de tiel reconiſances enpriſantz bref de Scire facias de garnier la partie ou lez parties a qui purſuit ils ſount enſi priſez & areſtuz a reſpoundre ſur icelles. Et ſur ceo ſuerte trove au Roi en ſa Chauncery ount eſte deliverez hors du priſone nient obſtant lour dit areſte pur lexecutions dez tielx reconuſances come deſuis eſt dit nulle trovez ou reconuſez as quex ils ſount iſſint obligez de eux ſatefier des lours duetees en cas qe lez maters compris deinz les ditz briefs de Scire facias ne ſoient trovez ne adjuggez pur lez reconuſſours enſi obligez parount les ditz reconuſeez ount aſcun foitz graundement eſte delaiez de lour execution & aſcun foitz lour execution ent toutoutrement perduz & en temps avenir veriſemblablement a perdre a cauſe qe null avantage ou availl ent purra venir eſtre ou acreſere as ditz reconuſez as quex tiels perſones ſount iſſint obligez par la dit ſuerte enſi trovez au Roi par ceo qe meſmes les perſones iſſint obligez par pardon de Roi purrount eſtre quitez & diſchargez pur touts jours. Noſtre Seignur le Roi conſiderant qe lez ditz reconuſez as quex perſones ſount obligez ſovent foitz ſount ſanz remedie ſi enſi ſoit qe meſmee lez reconuſours nemy voillont purſuer avaunt les ditz briefs de Scire facias oveſque effect ou autrement qe la matere de lour ditz breifs de Scire facias ſoit trove ou adjugge countre eux & ſur ceo ils ſoy retraihent as lieus privileggez ou eux aloinent hors du Roialme ou autrement qils ne my appergent iſſint qe lour corps puiſſent eſtre myz en execution a treſgraunde arreriſement & anientiſement dez tielx reconuſez en temps aveigner. Et auxi pur ceo qe le Roi eſt enheriteez de la priſez de tiex ſuertes a luy meſmes par la cours de ſa Chauncery le Roi voet qe tiels ſuertees deſore en avaunt ſoient faitz ſeveralment ſibien a Roy come a parte.

" King, by Writs as well going out of the Chancery " of the King, as of his Progenitors, to have Exe- " cution of divers Recogniſances made before the " Mayors of the Staple, of divers Sums, of which " Sums ſuch Perſons, to whom the Duty belonged, " had no convenient Remedy, other than the ſaid " Executions; which Perſons, ſo taken and arreſt- " ed for Execution of the ſame Recogniſances, be " oftentimes brought by divers Writs *De corpus cum* " *cauſa* before the King in his Chancery, out of Pri- " ſons in the which they be ſo kept by Force of ſuch " Executions, and there they do ſue, ſhewing forth " divers Indentures, and other Things in Defeſance of " ſuch Recognizances, deſiring Writs of *Scire facias* " to warn the Party or Parties at whoſe Suit they be " taken and arreſted, to anſwer thereunto; and Cro. Car. 67. " thereupon, by Surety found to the King in the " Chancery, have been delivered out of Priſon, not- " withſtanding their ſaid Arreſt for the Execution of " ſuch Recognizances, as above is ſaid, no Surety " found to the Recogniſees to whom they be ſo bound " to ſatisfy them of their Duties, in caſe that the " Matters compriſed within the ſaid Writs of *Scire* " *facias* be not found nor adjudged for the Recogni- " ſors thereby bound; whereby the ſaid Recogniſees " have been ſometime greatly delayed of their Exe- " cution, and ſometime their Execution utterly loſt, " and in Time to come likely to be loſt, for that no " Advantage nor Avail thereof might come, be, or " accrue to the ſaid Recogniſees to whom ſuch Per- " ſons be ſo bound by the ſaid Surety ſo bound to the " King, ſeeing the ſame Perſon ſo bound may by " the King's Pardon be acquit and diſcharged for " ever. Our Lord the King conſidering that the ſaid " Recogniſees, to whom Perſons be bound, are often- " times without Remedy, if ſo be that the ſaid Re- " cogniſors would not purſue forth their ſaid Writs " of *Scire facias* with Effect; or otherwiſe, that the " Matters of the ſaid Writs of *Scire facias* be found " or adjudged againſt them, and thereupon they with- " draw them to Places privileged, or eloign them out " of the Realm, or elſe they would not appear, ſo that " their Bodies might be put in Execution; to the " great Hindrance and Undoing of ſuch Recogniſees " in Time to come; and alſo becauſe that the King 2 R. 3. f. 7. " is inherited of the taking of ſuch Sureties to himſelf " by the Courſe of the Chancery;" ' the King doth ' will that from henceforth ſuch Sureties be made as ' well to the King as to the Party.'

CAP. XI.

The Puniſhment of thoſe that make Aſſault upon any that come to the Parliament.

ITEM le Roi voillant purvoier pur la eſe & tranquillite de eux qui viendront as parlementz ou conſels du Roi de ſon commaundement ad ordeigne & eſtable qe ſi aſcune afaut ou afray ſoit fait a aſcune Seignur eſpirituel ou temporel chivaler de counte citezin ou burgeis venuz au parlement ou a counſeill du Roi par ſon commandement & la eſteant & entendant a parlement ou a counſeill qadonqes ſoit proclamation fait par trois jours ſeveralx en le pluis overt lieu de la ville ou laſſaut ou affraie ſerra enſi fait qe la parte qui face tiel affraye ou aſſaute ſoy rende devaunt le Roy en ſon Banke deins une quarter

' ITEM, The King willing to provide for the Eaſe ' and Tranquillity of them that come to the Par- ' liaments and Councils of the King by his Command- ' ment, hath ordained and ſtabliſhed, That if any As- ' ſault or Affray be made to any Lords Spiritual or ' Temporal, Knight of the Shire, Citizen or Burgeſs, ' come to the Parliament, or to other Council of the ' King by his Commandment, and there being and at- ' tending at the Parliament or Council, that then Procla- ' mation ſhall be made in the moſt open Place of the ' Town by three ſeveral Days, where the Aſſault or ' Affray ſhall be made, that the Party that made ſuch ' Affray or Aſſault yield himſelf before the King in his

' Bench

Ex Rot. in Turr. Lond.

'Bench within a Quarter of a Year after the Proclamation made, if it be in the Time of the Term, or otherwise at the next Day in the Time of the Term following the ſaid Quarter; and if he do not, that he be attainted of the ſaid Deed, and pay to the Party grieved his double Damages, to be taxed by the Diſcretion of the Juſtices of the ſame Bench, for the Time being, or by Inqueſt, if it be needful, and make Fine and Ranſom at the King's Will; and if he come, and be found guilty by Inqueſt, by Examination, or otherwiſe, of ſuch Affray or Aſſault, then he ſhall pay to the Party ſo grieved his double Damages found by the Inqueſt, or to be taxed by the Diſcretion of the ſaid Juſtices, and make Fine and Ranſom at the King's Will, as above is ſaid.'

5 H. 4. c. 6.

dune an apres la proclamation fait ſil ſoiet el temps du terme ou autremant al proſchein jour en le temps du terme enſuant le dit quarter & ſil ne face qil ſoit atteint de le fait ſuiſdit & paie al parte greve ſez damages a double a taxer par la diſcretion dez Juſtices du dit Bank pur le temps eſteant ou par enqueſt ſil boſoigne & face fyn & raunceon a la volunte de Roi. Et ſil veigne & trove ſoit coupable par enqueſt par examination ou en autre maner de tiel affraie ou aſſaute paie il adonqes a parte enſi greve ſez damages a double trovez par enque ou a taxer par la diſcretion dez ditz Juſtices & face fyn & raunceon a la volunte du Roi come deſuis eſt dit.

CAP. XII.

What Wax-Chandlers ſhall take for their Work of Wax. *See Appendix.*

CAP. XIII.

A Confirmation for three Years of the Stat. of 8 HEN. 6. *c.* 18. That Wooll, *&c.* brought to *Calais* ſhall be ſold for ready Money. *See Appendix.*

CAP. XIV.

It ſhall be Felony to ſhip or carry any Merchandiſes of the Staple in Creeks, during three Years. *See Appendix.*

CAP. XV.

A Cuſtomer ſhall diſcharge the Merchant that hath paid his Cuſtom.

"ITEM, For that our Lord the King by a Petition to him delivered in the ſame Parliament, by the Commons of the ſame, for the Merchants of the Realm, hath perceived, That ſeeing the Cuſtomers and Controulers in the King's Ports do not write any Warrants in Diſcharge of the ſaid Merchants of their Merchandiſes by them ſhewed and duly cuſtomed, ſome as well coming into the Realm, as paſſing out of the ſame, the ſame Cuſtomers and Controulers do imbezil the King's Cuſtoms, and the Merchants be greatly hindred, becauſe that the Warrants might plainly ſhew and declare their due Cuſtom, when they be unduly impeached in the King's Exchequer:" 'The ſame our Lord the King conſidering the ſaid Deceits, by the Advice, Aſſent and Authority aboveſaid, hath ordained, That the ſame Cuſtomers and Controulers ſhall write, and deliver ſufficient Warrants, ſealed with the Seal of their Office to that ordained, to the ſaid Merchants, and to every of them, for all and every of their Merchandiſes every Time by them to the Cuſtomers and Controullers duly ſhewed; and that the ſaid Merchants, nor any of them, ſhall any Thing pay for the ſaid Warrants, but only their due Cuſtom. And in caſe that any Cuſtomer or Controuler, in any of the ſaid Points, do the contrary, that then every Merchant ſo grieved may have an Action, by Virtue of this Ordinance, to purſue againſt every Cuſtomer or Controuler that doth the contrary, in every Court of Record; and then every Cuſtomer or Controuler ſo attainted ſhall forfeit to the King for every Default Ten Pounds, and to the Merchant thereby grieved, that will ſue, a Hundred Shillings.'

ITEM pur ceo qe noſtre Seignur le Roi par une petition a luy baille en meſme le parlement par lez Communes dicell pur le merchauntz du Roialme ad entendu qe pur tant qe lez cuſtomers & controullours en les portes du Roi neſcrivent aſcuns garraunts en diſcharges des ditz marchauntz de lour merchandiſes par eux monſtrez & duement cuſtomez aſcuns ſibien veignauntz en le Roialme come paſſantz hors dicelle meſmes lez cuſtumers & countroullours embeſilent lez cuſtomes du Roi & lez ditz merchauntz ſount graundement anientiſez a cauſe qe lez ditz garrauntz purroient overtement declarer & monſtrer lour due cuſtome quant ils ſount ſovent nonduement enpechez en leſchekker du Roi. Meſme noſtre Seignur le Roi conſiderant lez ditz diſſeites de lavis aſſent & auctorite ſuiſditz ad ordeine qe lez ditz cuſtomers & controllours eſcrivent & deliverent ſufficiantz garrantz enſelez oveſqe le ſeal de lour office a ceo ordeinez as ditz merchauntz & a cheſcun de eux pur tous & cheſcune de lour merchandiſes cheſcun ſoitz par eux as ditz cuſtomers & controllours duement monſtrere meſmes les merchantz ne null de eux rien paiant pur lez ditz mes garrantz ſolement lour due cuſtome. Et en cas qe cheſcun cuſtomer ou countrollour en aſcune dez ditz pointes face le contrarie qadonqes cheſcun merchant enſi greve poet avoir action par vertue de ceſte ordenance a purſuer envers cheſcun cuſtomer ou controllour qui face le contrarie en cheſcune court de recorde & adonqes cheſcun cuſtomer & controllour iſſint atteint puiſe forfaire au Roi pur cheſcun defaute x. li. & a le merchant enſi greve qui voill ſuer C. s.

CAP.

CAP. XVI.

In Turr. Lond.

The Penalty for ſealing of a blank Cocket to deceive the King of his Cuſtoms. EXP.

Statutes made at Weſtminſter, Anno 14 HEN. VI. *and* Anno Dom. 1435.

Ex Rot. in Turr. Lond.

NOSTRE Seignur le Roi HENRI le ſiſme apres le conqueſt a ſon parlement tenuz a Weſtm' le x^e^ jour dOctobre lan de ſon regne qatorſziſme de ladvis & aſſent des Seignurs eſpirituelx & temporelx & a la eſpeciale requeſt des Communes du Roialme en meſme le parlement eſteantz ad fait faire diverſes eſtatutes & ordinances a lonour de Dieu & le bien de luy & ſon dit Roialme en la forme enſuant.

"OUR Lord the King HENRY the Sixth after the Conqueſt, at his Parliament holden at *Weſtminſter* the Tenth Day of *October*, the Fourteenth Year of his Reign, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Requeſt of the Commons of the Realm, being in the ſame Parliament, hath cauſed to be made divers Statutes and Ordinances, to the Honour of GOD, and for the Wealth of him and his Realm, in the Form following."

CAP. I.

Juſtices of *Niſi prius* may give Judgement of a Man attainted or acquitted of Felony.

EN primes noſtre dit Seignur le Roy ad ordine par auctorite del dit parlement qe les Juſtices devaunt queux inquiſitions enqueſtes & jurres enavaunt ſoient priſez par brief du Roi de Niſi prius jouſt la forme de leſtatut ent fait eient poair en toutz caſez de felonie & treſon de rendre lour jugement ſibien lou home eſt acquite de felonie ou de treſon come lou il eſt ent atteint a jour & lieu ou les ditz inquiſitions enqueſtes & jurres iſſint ſoient priſes & adonqes illeoqes de agarder execution de eſtre fait par force de meſmes les jugementz.

'FIRST, Our Lord the King hath ordained, by the Authority of the ſaid Parliament, That the Juſtices before whom Inquiſitions, Inqueſts, and Juries, from henceforth ſhall be taken by the King's Writ called *Niſi prius*, according to the Form of the Statute thereof made, ſhall have Power of all the Caſes of Felony and of Treaſon, to give their Judgements, as well where a Man is acquit of Felony, or of Treaſon, as where he is thereof attainted, at the Day and Place where the ſaid Inquiſitions, Inqueſts and Juries be ſo taken, and then from thenceforth to award Execution to be made by force of the ſame Judgements.'

13 Ed. 1. ſtat. 1 c. 30.
14 Ed. 3. ſtat. 1 c. 16.
Dyer f. 120.
10 Ed. 4. f. 19.
See farther Index tit. Niſi prius.

CAP. II.

Woolls and Fells ſhall not be exported but to *Calais*. Special Exceptions in Favour of the King, and his Council, and the Merchants of *Venice*, *Jean*, *&c.* *See Appendix.*

CAP. III.

Where the Juſtices of Aſſiſe of *Cumberland* ſhall hold their Seſſions.

ITEM come par eſtatut fait en temps le Roi RICHARD ordine ſoit qe les Juſtices Daſſiſes prendre & gaoles deliverer aſſignez & aſſigners teignerent lour ſeſſions en les principalx & chiefs villes des ſingulers countees ceſtaſſavoir la ou les countes dicelles countees alors feurent ou delors ſerroient tenuz noſtre Seignur le Roi voillant meſme leſtatut en le countee de Cumberland eſtre obſervez & gardes conſiderant qe la citee de Cardoill eſt la principal & chief citee & ville du dit countee & en la quelle la Counte de meſme la countee ad eſtee tenuz devaunt ces hoeures ad graunte & ordine par auctorite de meſme le parlement qe la ſeſſion des Juſtices Daſſiſes prendre & de gaoles deliverer en le dit countee de Cumberland ſoit tenuz en temps de

"ITEM, Whereas by a Statute made in the Time of King RICHARD the Second, it was ordained, That the Juſtices aſſigned, and to be aſſigned, to take Aſſiſes and deliver Gaols, ſhall hold their Seſſions in the principal and chief Towns of every County, that is to ſay, where the Shire-Courts of the Counties heretofore were, and hereafter ſhall be holden; our Lord the King willing the ſame Statute to be obſerved and kept in the County of *Cumberland*, conſidering that the City of *Ca liſle* is the principal and chief City and Town of the ſaid County, and in the which the Shire-Court of the ſame County hath been holden before this Time;" 'hath granted and ordained, by the Authority of the ſame Parliament, That the Seſſion of the Juſtices to take Aſſiſes, and to deliver Gaols in the County of *Cumberland*,

6 R. 2. c. 5.

' be holden, in Time of Peace and of Truce, in the ' ſaid City of *Carliſle*, and in none other Place within ' the ſame County, as it hath been uſed and accuſtom- ' ed of old Time.'

Ex Rot. in Turr. Lond.

pees & des trieux en la dite citee de Cardoill & en null autre lieu ou place deins meſme le countee come il ad eſtee uſe & accuſtume dauncien temps.

CAP. IV.

The Juſtices of the Peace of *Middleſex* may keep their Seſſions but twice in the Year.

2 H. 5. c. 4.

" ITEM, Whereas it was ordained by a Statute, " That the Juſtices of Peace of all the Counties of " *England*, for the Time being, ſhall ſit and hold their " Seſſions four Times by the Year, to inquire and " execute all Charges contained in their Commiſſion, " which they be ſworn to do according to the Form " of the ſaid Statute, upon a great Pain, as by the " ſame Statute more fully appeareth: Our Lord " the King, conſidering that all the high Courts be " ſet and holden in the County of *Middleſex*, conti- " nually during all the four Times of the Term, by " which Time of Term the Commons inhabiting in " and of the ſame County, muſt attend from Time to " Time to inquire of all the Articles to the ſaid Courts " belonging, as Reaſon and Law requireth, and that " preſently after every of the ſaid Terms ended, the " ſaid Juſtices of the ſaid County do ſit and hold their " Seſſions in the ſame County, as they ought to do, " by Force of the ſaid Statute, more to avoid the ſaid " Penalty, than for any other neceſſary Thing there " to be inquired, at which Seſſions they cauſe to come " before them a great Part of the Inhabitants and " Commons of the ſaid County of *Middleſex*, to in- " quire of all Manner of Things as to them is given " in Charge; and by that Means they be charged and " vexed throughout all the Year, as well out of the " Time of Term, as in Time of Term, ſo that they " have no Reſt, nor Time to do their Huſbandry " and their Labour, to get their Living in any wiſe, " to their utter Undoing if they be not relieved in " this Behalf." ' Therefore the ſame our Lord the ' King willing in this Caſe to provide for them a Re- ' medy, hath ordained, by the Advice and Aſſent afore- ' ſaid, and at the Requeſt of the ſaid Commons of the ' Realm, That the Juſtices of Peace which now be, ' and all other hereafter for the Time being, in the ' ſaid County of *Middleſex*, ſhall be clearly diſcharged ' of the ſaid Penalty, by Authority of the ſame Par- ' liament, from henceforth, the Court of the King's ' Bench being ſet in the ſaid County of *Middleſex*.

Saving to inquire of Riots or forcible Entries.

' Provided always, That the ſaid Juſtices of Peace of ' the ſaid County of *Middleſex*, for the Time being, ' keep, obſerve, and execute the Court of the Seſſions ' of the Peace, two Times in the Year at the leaſt, ' and more often if Need be, for any Riot, or Forci- ' ble Entry made within the ſame County of *Middle- ' ſex*, and that upon the Pain and Forfeiture of ſuch ' Sums as be for that ordained by any Law made be- ' fore this Time: to the End and Intent that the ſaid ' Commons and Inhabitants of the ſaid County of ' *Middleſex* be not inforced nor compelled to appear, ' before the Juſtices of Peace of the ſame County for ' the Time being, but at ſuch Time which ſhall ſeem ' by the Diſcretions of the ſame Juſtices of Peace ne- ' ceſſary and needful.'

See farther Index, tit. Juſtices of Peace.

ITEM come ordine ſoit par eſtatut qe les juſtices de pees de toutz les countees d'Engleterre pur le temps eſteantz ſeiront & tiendront lour ſeſſions quatre temps par an pur enquerrer & executer toutz charges contenuz en lour commyſſion le quel ils ſount jurrez de faire ſelonc la forme du dit eſtatut ſur graunde peine ſicome par meſme leſtatut pluis pleinement appiert. Noſtre Seignur le Roi conſiderant qe toutz ſes hautz Courtes ſount aſſiz & tenuz en le countee de Midd' continuelment durantz toutz les quatre temps de terme par les quelx temps de terme les communes & enhabitantz en & de meſme le counte coviendront entendre de temps en temps denquerrer toutz les articles as ditz Courtes appurtenantz come reaſon & ley requirent & qe maintenaunt apres cheſcun des ditz termes fines les ditz juſtices du peas du dit countee de Midd' ſeiont & tiegnent lour ſeſſions in meſme le countee come ils deuſſent faire par force du dit eſtatuit pluis pur eviter la dit peine qe pur aſcun autre choſe neceſſarie illeoqes deſtre enquis a les quelles ſeſſions ils ſount faire venir devaunt eux graunde partie des enhabitantz & communers du dit countee de Midd' pur enquerrer des toutz maners des choſes come lour ſount donez en charge & iſſint ils ſount vexez & chargez parmye tout lan ſibien hors le temps de terme come en le temps de terme ſi qe ils nount aſcun repoſe ne temps de faire lour huſbandriez & lour labour pur lour vivre en aſcun maner gayner a lour final deſtruction ſils ne ſoient ſuccurrez en celle partie. Et voillant purtaunt meſme noſtre Seignur le Roi en ceo cas lour purvoir de remedie ad ordine par advis & aſſent ſuiſditz & a la requeſt des ditz Communes du Roialme qe les juſtices du peas qore ſount & toutz autres pur le temps deſore eſteantz en le dit countee de Midd' ſoient tout outrement diſchargez de la dite peine par auctorite de meſme le parlement a toutz temps deſore avenirs la Court du Bank le Roi eſteant ſeant en le dit countee de Midd'. Purveu toutz foitz qe les ditz juſtices du peas del dit countee de Midd' pur le temps eſteantz gardent obſervent & executent la courte des ſeſſions du peas deux foitz en lan au meyns & pluſours de temps ſil boſoigne par aſcun riote ou forcible entre fait deins meſme le countee de Midd' & ceo ſur le peine & forfaiture de tielx ſummes come ſount pur ceo ordinez par aſcun ley fait devaunt ces hoeures au ſyn & entent qe les ditz communes & enhabitantz del dit countee de Midd' ne ſoient artes ne compelles pur apparer devaunt les juſtices de peas de meſme le countee pur le temps eſteantz, forſqe a tiel temps qi ſembleront par les diſcretions de meſmes les juſtices du peas neceſſaries & boſoignables.

CAP.

CAP. V.

In Turr. Lond.

Merchandiſes of the Staple ſhipped in Creeks ſhall be forfeited. *See Appendix.*

CAP. VI.

None ſhall diſturb an Alien that bringeth in Victuals to ſell in Groſs, or by Retale.

ITEM noſtre Seignur le Roy enformez par les ditz Communes coment en leſtatuit fait lan vi^e le Roi RICHARD nadgairs Roi dEngleterre ſeconde ordine & accorde eſtoit qe cheſcun forein & alien eſteant del amiſtee du Roi & du Roialme & veinant deins la Citee de Loundres & autres citees burghs & villes deins le dit Roialme ſibien deins fraunchiſe come dehors oveſqe peſſon & autres vitailles qeconqes illoeqes demurantz & retournantz ſerroit deſlors deſoubz le ſauf garde & eſpeciall protection du Roi & qe bien liſe a eux & a cheſcun de eux qils puiſſent trencher peſſon & vitailx ſuiſditz par peces & a taill & a retaill en partie ou en tout ou en gros come meulx lour ſemblera vendre & lour profit faire ſaunz empechement ou contredit de nully non obſtantz aſcuns eſtatutz chartre ordinaunces privileges ou cuſtumes faitz ou ewes a contrarie & ſur ceo par un autre eſtatuit fait lan primer le Roi HENRI quart fuit ordine & eſtable qe les ditz ordinaunce & eſtatuit faitz le dit an vj^e ſerroit fermement tenuz & gardez & duement executz ſolonc la forme & effect dicelles nient contriſteantz aſcuns lettres patentez nadgairs grauntz au contrarie as peſſoners le Loundres come en le dit eſtatuit fait le dit an primer pleinement appiert a la ſupplication des ditz Communes ad ordine & eſtable par actorite ſuiſdite qe les ditz eſtatuitz ſoient fermement tenuz & gardez aſcuns autres eſtatutz ou ordinaunces faitz au contrarie nient obſtantz Adjouſtantz a icell qe ſi aſcun homme deſtourbe aſcun forein ou alien de vendre lour peſſons en groos ou retaille en partie ou en tout au contrarie dez ditz ordinaunces & de ceo ſoit duement atteint al ſuite de Roi ou de partie qadonqes il forfera xl. li.' & celuy qi voudra ſuer pur le Roi ou pur luy meſmes avera lune moitee & le Roi lautre moitee & ſoit tiel ſuyte pris pur aſcune offenſe fait en la Citee de Loundres encountre le dit ordinance pur celuy qi veudra ſuer pur le Roi ou pur luy meſmes en quel countee qe luy plerra des countees de Midd' Herf' Eſſex Kent' Surr' ou en la Cittee de Loundres.

" ITEM, Our Lord the King is informed by the ſaid Commons, how in the Statute made the Sixth Year of King RICHARD the Second, late King of *England*, it was ordained and accorded, That every Foreign and Alien, being of the Amity of our Lord the King, and of the Realm, coming within the City of *London*, and other Cities, Boroughs, and Towns within the ſaid Realm of *England*, as well within Franchiſes as without, with Fiſh and other Victuals whatſoever, there abiding and returning, ſhould be from thenceforth under the Safeguard and ſpecial Protection of our Lord the King, and that it ſhould be lawful to them, and to every of them, that they might cut Fiſh and Victuals aforeſaid by Pieces, and to tail and retail them in Part, and in Whole, or in Groſs, as they ſhall think beſt, to ſell and make their Profit, without Impeachment or Contradiction of any, notwithſtanding any Statutes, Charters, Ordinances, Privileges, or Cuſtoms made or had to the contrary; and thereupon, by a Statute made the Firſt Year of King HENRY the Fourth, it was ordained and ſtabliſhed, That the ſaid Statute and Ordinance, made the ſaid Sixth Year ſhould be firmly holden and kept, and duly executed, after the Form and Effect of the ſame, notwithſtanding any Letters Patents of late granted to the Fiſhmongers of the City of *London*, as in the ſaid Statute, made the firſt Year, fully appeareth;" ' by the Supplication of the Commons aforeſaid hath made, ordained, and ſtabliſhed by Authority aforeſaid, That the ſaid Statutes ſhall be firmly holden and kept, any other Statutes or Ordinances made to the contrary notwithſtanding; joined to the ſame, That if any Man diſturb any Foreign or Alien to ſell their Fiſh in groſs or at retail, in part or in whole, contrary to the ſaid Ordinances, and thereof be duly attainted at the Suit of the King, or of the Party, that then he ſhall forfeit xl. li. And he that will ſue for our Lord the King, or for himſelf, ſhall have the one half, and the King the other half. And ſuch Suit ſhall be taken for any Offence committed in the City of *London* againſt the ſaid Ordinance, for him which will ſue for our Lord the King, or for himſelf, in what County that pleaſeth him, of the Counties of *Middleſex*, *Hertford*, *Eſſex*, *Kent*, *Surrey*, or in the City of *London*.'

6 R. 2. c. 10.

1 H. 4. c. 17.

The Forfeiture of him who diſturbeth an Alien bringing in Victuals to ſell them in groſs or by retail.

9 Ed. 3. ſtat. 1. c. 1.
27 Ed. 3. ſtat. 2. c. 2.
11 R. 2. c. 7.

See 3 Jac. 1. c. 6. giving free Liberty of Trade into Spain, Portugal and France.

CAP. VII.

Merchandiſes taken in Ships of the King's Enemies, though belonging to Foreigners in Amity with the King, ſhall not be reſtored. EXP.

CAP. VIII.

The Statute of 2 HENRY 5. *Stat.* 1. *cap.* 6. touching Breakers of Truce, ſuſpended. EXP. 20 H. 6. c. 11.

Statutes made at Weſtminſter, Anno 15 HEN. VI. *and* Anno Dom. 1436.

"AT the Parliament holden at *Weſtminſter* the One and twentieth Day of *January*, the Fifteenth Year of the Reign of King HENRY the Sixth after the Conqueſt, by the Advice and Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Inſtance and Requeſt of the Commons of the Realm; the ſame our Lord the King hath cauſed to be ordained certain Statutes to the Honour of God, and the Profit of him and his Realm, in the Form following."

Ex Rot. in Turr. Lond.

NOSTRE ſoverain Seignur le Roi HENRY le ſiſme apres le conqueſt a ſon parlement tenuz a Weſtm' le xxj^e^ jour de Januaire lan de ſon regne xv^me^ de ladvis & aſſent des Seignurs eſpirituelx & temporelx & a leſpeciale inſtance & requeſte de les Communes du Roialme en meſme le parlement eſteantz ad fait ordeinez & eſtabliez certeins ſtatutz & ordinances al honour de Dieu & le bien & profit de luy & de ſon dit Roialme en la fourme qenſuit.

CAP. I.

Where in a Suit before the Marſhal, the Defendant may plead, that the Plaintiff or he are not of the King's Houſe.

* Bulſtr. 209.

"FIRST, Becauſe that the Steward and Marſhal of the King's Houſe and their Deputies before this Time have holden before them Pleas of Debt, Detinue, and other Pleas perſonal moved betwixt People which were not of the ſame Houſe, making mention in their Records, that the Plaintiffs and Defendants of the ſame Pleas were of the ſaid Houſe, and do not allow to the Parties Defendants in the ſame Pleas their Challenges and Exceptions by them alledged, that they themſelves, or the Plaintiffs in the ſame Suits, be not of the ſame Houſes, againſt the Laws and Statutes before this Time had and made, whereby many of the King's liege People in his Court holden before the ſaid Steward and Marſhal oftentimes againſt the Law be grievouſly vexed and troubled, to their great Damage and Hindrance." 'Our ſaid Lord the King conſidering the Premiſſes, hath ordained by Authority of the ſame Parliament, That in every Surety from henceforth againſt the ſaid Defendants to be taken, they ſhall not be eſtopped by ſuch Record, to ſay that themſelves, or the Plaintiffs in the ſame Record ſpecified, were not at the Time of the ſaid Plea or Suit thereof commenced, of the King's Houſe, as by the ſame Record is ſuppoſed; but the Defendants ſhall have their Averment to ſay, That they themſelves, or the ſaid Plaintiffs, were not of the ſame Houſe at the Time of ſuch Plea or Suit commenced, the ſaid Record or other Matter within the ſame contained notwithſtanding.'

28 Ed. 1. ſtat. 3. c. 3. 18 *Ed.* 3. *ſtat.* 2. c. 7. 8 *R.* 2. *c.* 5. 13 R. 2. ſtat. 1. c. 2.

EN primes per ceo qe les Seneſchall & Mareſchall de Hoſtell du Roy & lour deputees avaunt cez heures ount tenuz devaunt eux plees de dette detenu & autres plees perſonelx moevez parentre gentz qi ne furent de meſme loſtell en lour recorde faiſantz mention qe les pleintifs & defendants de meſme les plees furent del dit Hoſtell & a lez parties defendants en meſmes les plees ne allowent lour chaleng & exceptions par eux alleggez qe ils meſmes ou les pleintifs en meſmes les ſuites ne ſount pas de meſme loſtell encountre les leys & eſtatuts ent avaunt ces heures eus & faitz parount divers des lieges noſtre dit Seignur le Roi en ſa Court devant lez ditz Seneſchall & Mareſchall tenuz ſovent foitz encountre le leie ſount grevouſment vexez & entroublez a lour graunde damage & anientiſſement. Noſtre dit Seignur le Roi les premiſſes conſiderez ad ordeine par auctorite de meſme le parlement qe en cheſcun ſeurte deſore enavaunt pur les defendants aprendre ils ne ſoient eſtoppes par tiel recorde a dire qils meſmes ou les pleintifs en meſme le recorde eſpecifiez ne furent al temps du dit plee ou ſuit commence del Hoſtell du Roy come par meſme le recorde eſt ſuppoſe eins eient les ditz defendants lour averement a dire qils meſmes ou les ditz pleintifs ne furent de meſme loſtell a temps de tiel plee ou ou ſuit commence le dit recorde ou aſcun matier deinz icell contenuz nient obſtant.

See 33 *H.* 8. *c.* 12. *before whom Murders committed in the King's Houſe ſhall be tried.*

CAP. II.

Corn being of ſmall Price, *viz.* Wheat at Six Shillings and Eight-pence, and Barley at Three Shillings the Quarter, may be carried forth of the Realm without Licence.

Altered by 1 Jac. 1. c. 25. & 21 Jac. 1. c. 28. 20 H. 6. c. 6. *And ſee Index, tit.* Corn *and* Grain.

ITEM pur ceo qe par la leie ordeinee null home poet carier ne ameſner blees hors du Roialme dEngleterre ſaunz licence du Roy par cauſe de quell fermours & autres homes qi uſent manuoverement de lour terre ne poent vendre lour blees ſinon a baes priſe a graunde damage de tout le Roialme. Noſtre Seignur le Roi voillant en ceo cas purvoier de remedie ad ordeinee par auctorite deſſuiſdite qe bien lirra a cheſcun homme eſkipper & carier toutz maners des blees & graines hors de ceſt Roialme a qiconqe lieu qi luy plerra forſpris tant ſoulement a les enemies noſtre dit Seignur le Roy ſi ſovent & tant longement come un quarter de frument nexcede paes le price vj. s. viij. d. & un quarter dorge iij s. en icell porte lou frument ou orge eſt tielment eſkippes & ceo ſaunce aſcun licence ſuies pur icell toutz autres ordinances ent avant ces heures faitz a contrarie nient obſtantz. Purveu toutz foitz qe le Roi ſoit content de ſez cuſtumes & devoirs. Et durera iceſte ordinance tanqe al proſcheine parlement.

CAP.

CAP. III.

What Things be requiſite to make a Safe Conduct effectual.

Ex Rot. in Turr. Lond.

ITEM par la ou noſtre dit Seignur le Roy nadgairs avoit graunde ſes lettres de ſauſe conduyt as certeins perſons pur venir & aler en & hors de les Roialmes & Seignuries dEngleterre Fraunce & Irlonde oveſqe certeine nombre des niefs charges oveſqe lour marchandiſes & qe foie & credance ſerroit done ſibien a la copie appellez Vidimus enſealez ſoubs ſeales autentiques & approvez come al originall de lez ditz lettres un John de Gautier un de les perſons deſuiſditz graunta & delivera le Vidimus du dit ſauf conduyt as tielx & as tauntz come luy pluiſt enſeales ſoubz le ſeale celuy qi ſoy appelle Roy de Fraunce ſoubz umbre de quel Vidimus un graunde navie de la partie adverſarie fuiſt aſſemble & priſt pluſours niefs & lieges du Roy & vitailla lez villes & fortreſſes de les parties adverſaries a graunde damage du Roy & de ſez lieges ſuiſditz ſi come noſtre dit Seignur le Roy a la grevouſe compleint a luy en fait par les ditz Communes lad pleinment entenduz meſme noſtre Seignur conſiderant lez graundes inconvenientz queux purroient eſchier par tielx & autres qi malement uſent ſez lettres de ſauf conduyt & qe ſoubz umbre de tielx Vidimus tout un entier navie des adverſaries poet eſtre umbrez & journement vitailler eſtoffer & refreſher lour partie en graunde damage de ſez Roialmes & ſpecialment de le Roialme dEngleterre voet doner en commaundement a les gardeins de ſes graunde & prive ſealx qils ne ſoeffrent pas tiel clauſe de Vidimus eſtre mys en null ſauf conduyt a grauntiers de cy enavaunt ſil ne iſſint ſoit qe aſcun grounde ou notable cauſe ou matier moeve meſme noſtre Seignur le Roy pur ceo tielment graunter. Et voet auxi par auctorite ſuiſdite qe en toutz ſauf conduyts de cy enavaunt a graunterz a aſcun perſon ou perſons les nouns de iceux de les niefs & de les maiſtres & le noumbre de mariners oveſqe le portage des niefs ſoient expreſſez.

"ITEM, Whereas our ſaid Lord the King of late "hath granted his Letters of Safe Conduct to cer- "tain Perſons to come and go in and out of the "Realms and Seigniories of *England*, *France*, and "*Ireland*, with certain Number of Ships charged with "their Merchandiſes, and that Faith and Credit ſhould "as well be given to the Copy called *Vidimus*, ſealed "under the Seals authentique and approved, as to the "Original of the ſaid Letters; one *John de Gautier*, "one of the Perſons aforeſaid, granted and deli- "vered the *Vidimus* of the ſaid Safe Conduct to ſuch "and to as many as him pleaſed, ſealed with the Seal "of him that calleth himſelf King of *France*, under "the Colour of which *Vidimus* a great Navy of the "adverſe Part was aſſembled, and did take many Ships, "and the King's liege People, victualled to the "Towns and Fortreſſes of the Adverſaries, to the great "Damage of the King and of the liege People afore- "ſaid, as our ſaid Lord the King, at the grievous "Complaint to him made by the ſaid Commons in the "ſaid Parliament hath perceived:" 'The ſame our Lord the King, conſidering the great Inconveniencies which might enſue by ſuch and other which do evil uſe his Letters of Safe Conduct, and that under Colour of ſuch *Vidimus* a whole Navy of Enemies may be coloured, and daily victual, ſtuff, and refreſh their Party, in great Damage of his Realms, and eſpecially of his Realm of *England*, doth will, and hath commanded by the Authority aforeſaid, to the Keepers of his Great and Privy Seal, that they ſhall not ſuffer ſuch Clauſe *Vidimus* to be put in any Safe Conduct from henceforth to be granted, unleſs it ſo be, that ſome great or ſome notable Cauſe or Matter move the ſame our Lord the King to grant the ſame in ſuch wiſe; and willeth alſo, That in all Safe Conducts to be granted from henceforth to any Perſon or Perſons, the Name of them, of the Ships, and of the Maſters, and the Number of the Mariners, with the Portage of the Ships, ſhall be expreſſed.'

The Clauſe *Vidimus* ſhall not be put in a Safe Conduct, unleſs upon ſomeſpecial Cauſe.

Explained by 18 H. 6. c. 8. 20 H. 6. c. 8.

31 H. 6. c. 4. *Confirmed by* 14 Ed. 4. c. 4.

CAP. IV.

None ſhall ſue a *Subpœna* until he find Surety to ſatisfy the Defendant his Damages, if he do not verify his Bill.

ITEM pur ceo que diverſes perſones ont avant cez heurez eſte graundement vexez & grevez per briefs de ſub pena purchaces pur matiers determinablez per la comen ley de ceſt terre, a graund damage de tielx perſones iſſint vexes, en ſubverſion & impediment de la comen ley ſuiſdite; Noſtre Seignur le Roy voet qe les eſtatuitz ent faitz ſoient duement gardes ſoloncque la fourme & effect dicelles; & que null briefe de ſub pena ſoit graunte de cy enavant, tanque ſeurtee ſoit trove, pur ſatisfier la partie enſy greve & vexe pur ſes damages & expenſes, ſi iſſint ſoit que le matier ne poet pas eſtre fait bon quele eſt contenus en la bille.

"ITEM, For that divers Perſons have before this "Time been greatly vexed and grieved by Writs "of *Subpœna*, purchaſed for Matters determinable by "the Common Law of this Land, to the great Da- "mage of ſuch Perſons ſo vexed, in Subverſion and "Impediment of the Common Law aforeſaid;" 'our Lord the King doth command, That the Statutes thereof made ſhall be duly obſerved according to the Form and Effect of the ſame, and that no Writ of *Subpœna* be granted from henceforth until Surety be found to ſatisfy the Party ſo grieved and vexed for his Damages and Expences, if ſo be that the Matter cannot be made good, which is contained in the Bill.'

This Chapter is not upon the Roll.

37 R. 2. c. 6. Br. Conſc. 24.

CAP.

CAP. V.

What Sort of Perſons may be impanelled upon an Attaint.

"ITEM our Lord the King conſidering that the "Trial of Life and Death, of Lands and Tene- "ments, Goods and Chattles, of every Perſon of his "liege People of this Realm, touching Matters in "Deed, by the Law of the ſame Realm remain and "ſtand, and daily is very likely to be had and made, "by the Oaths of Inqueſts of twelve Men duly ſum- "moned in his Courts; and alſo that the great [a] "Perjury, which horribly continueth, and daily in- "creaſeth in the common Jurors of the ſaid Realm, is "moſt likely to tend to the greateſt Miſchief which "may fall to the ſaid Realm; and that it is to be ſup- "poſed, by reaſon that the more ſufficient that Men "be of Lands and Tenements, the more unlikely they "are to be drawn or moved to Perjury by Brocage, "Power, or Corruption; and that in every Action "and Writ of Attaint at the leaſt there muſt be thir- "teen Defendants, unleſs that the Death of any cauſe "the contrary; of which thirteen Defendants every "Perſon by the Law may have a ſeveral Plea and "Anſwer, triable in whatſoever County that him "pleaſeth of the ſaid Realm, and every of the "ſame thirteen Pleas and Anſwers triable out of the "County in which the Action and Writ of Attaint is "ſued, doth cauſe the Delay of the taking of the "Grand Jury of Attaint, until the Time that every "of the ſaid foreign ſeveral Anſwers be tried; And "although that all theſe thirteen ſeveral Anſwers and "Pleas, every one after other, to cauſe more Delays, "be pleaded, tried, and found againſt theſe thirteen "Defendants, they themſelves have no Prejudice by "the ſame, nor the Plaintiffs in the ſaid Actions and "Writs of Attaint no other Advantage, but that the "King's Court then ſhall proceed to the taking of the "ſaid Grand Jury, which by Subtilty that daily in- "creaſeth may cauſe the Delay of the Plaintiffs in the "ſaid Actions and Writs of Attaint by ten Years "or more, by common Eſtimation;" 'Hath or- 'dained by Authority aforeſaid, for Part of the Re- 'medy of the ſaid Miſchief, That no Sheriff, Bailiff 'of Franchiſe, nor Coroner, in Actions or Writs of 'Attaint of Plea of Land, of the yearly Value of 'xl. s. or more, nor Action of Detinue of Deeds con- 'cerning Lands or Tenements of like Value, or more, 'nor perſonal, whereof the Judgement of the Reco- 'very ſhall extend to the Sum of forty Pounds, or 'more, ſhall return nor impanel in any Inquiſition 'nor Inqueſt, any Perſons but ſuch as be inhabiting 'within his Bailiwick, which have Eſtate to their own 'Uſe, or they to whoſe Uſe other Perſons have Eſtate, 'of Fee-ſimple, Fee-tail, or Freehold, in Lands and 'Tenements, of the yearly Value of xx. li. or more 'in his Bailiwick, out of ancient Demeſne, the Five 'Ports, and the Tenure of Gavelkind, nor ſhall re- 'turn in the King's Court leſs Iſſues in the ſaid Ac- 'tions of Attaint, than xl. s. at the firſt Writ of Di- 'ſtreſs, and C. s. at the ſecond Writ of Diſtreſs, and 'the Double of every other Writ of Diſtreſs againſt 'the Perſons impanelled and returned to be ſworn in 'the ſame Actions. And that no Perſon of leſs 'Sufficiency of Freehold than of the yearly Value of 'xx. li. in the Form aforeſaid, ſhall be ſworn in the

[a] Fearleſs and ſhameleſs.

18 H. 6. c. 2. What Iſſues ſhall be returned upon every Juror in an Attaint.

Ex Rot. in Turr. Lond.

ITEM noſtre dit Seignur le Roy conſiderant qe le triall de vie & de mort terres & tenementz biens & chateux de cheſcun perſon de ſes lieges diceſte Roialme touchan matiers en fait par le leie de meſme le Roialme remaigne & eſtaa & de jour en jour veriſemblablement eſt pur eſtre eue & fait par les ſerementz des enqueſtes de xij. hommes duement ſummones en ſez Courtes & auxi qe les graundes pourleſſe & inhonuteſſe perjurie qe orri- blement continue & journement encreſſe en les commune jurrours du dit Roialme a la pluis graunde veriſemblable meſchief qe puis cheier al dit Roialme & qil eſt a ſuppoſer par reſon qe le pluis ſufficiantz qe hommes ſoient des terres & tenementz le pluis nonſemblablement ils ſount a eſtre tretez ou moevez a perjure par brocage poure ou corrup- tion & qe en cheſcun action & brief dateint au meyns y faut eſtre xiij. defendantz ſil ne ſoit qe mort daſcuny de eux cauſe le contrarie des queux xiij. defendantz cheſcun perſon par la leie poet avoir ſeverall plee & reſponſe triable en quecounqe countee qe luy pleaſt del Roialme avauntdit & cheſcun de icelles xiij. plees & reſponſes triables hors del countee en quel laction & brief dateint eſt purſue cauſera la delaie de la priſe de graunde jure dateint jeſqes au temps qe cheſcun des ditz foreins ſeveralx reſponſes ſoit trie. Et tout ſoit qe toutz iceux xiij. foreins ſeveralx reſponſes & plees cheſcun apres auter pur cauſer pluſours de- laies ſoient plees tries & trovez countre iceux xiij. defendantz ils nount aſcun prejudice par icels ne les pleintifs en les ditz actions & briefs dateinz null autre avauntage mès qe le Court du Roy adonqes de proceder a la priſe du dit graunde jurie la quell par ſubtilitee qe de jour en jour encreſce purroit cauſer la delaie des pleintifs en les ditz actions & briefs dateint par x. ans ou pluis par commune eſtimation ad ordeine par lauctorite avauntdite pur partie de remedie de la meſcheef ſuiſdit qe null viſcount baillif du fraunchiſe ne co- roner en actions ou briefs dateint du plee du terre dannuell value de xl. s. ou pluis ne daction de de- tenue des faitz concernants terres & tenements de ſemblable value ou pluis ne deplee perſonell dount le juggement de recoverer extende a la ſomme de xl. li.' ou pluis retourne ne empanell en null in- quiſition ne enqueſt nulles perſones mes ceux en- habitantz dedeins ſa baille queux a cell temps eient eſtate a lour propre opes ou ceux as queux oeps autres perſons ount eſtate de fee ſimple fee taill ou frank tenement en terres & tenements dannuell va- lue de xx. li' ou pluis dedeins ſa baille hors del auncien demeſne les Cynk portes & tenure de Gavelkynde de ne meindres iſſues en les ditz ac- tions datteint retourne en la Court du Roy qe xl. s. a le primer brief de diſtreſſe & cent foulz a le ſecunde brief de diſtreſſe & le double a cheſcun autre brief de diſtreſſe envers les perſones em- panelles & retournes pur eſtre jurrez en meſmes les actions. Et qe null perſone de meindre ſuf- ficiante du frank tenement qe dell annuell value de xx. li' en la fourme deſſuiſdit ſoit jurrie en la

Court

Ex Rot. in Turr. Lond.

Court du Roi ſur null iſſue en les ditz actions datteint ſil ſoit pur icell par les pleintifs en due fourme chalanges. Et qe auxi ſovent qe aſcun vicount baillif du fraunchiſe ou coroner face le contrarie de ceſte ordinance qil paie & par ceſt eſtatut ſoit tenuz a paier au Roy x. li. & a les pleintifs en les ditz actions & briefs datteint pur lour delaies autres x. li. Et qe ſi aſcun des ditz foreins reſponſes & plees ſoit triee & trove encountre aſcun des ditz defendantz qadonques meſmes les juggementz countre meſmes les defendantz & pur les ditz pleintifs ſoient dones par les Juſtices du Roy & conſideration de ſes Courts ſi come par la leie ſerroit donee envers les meſmes defendants en cas qe le graunde jurie en les ditz actions & briefs datteint ſur les points & articles de meſmes les briefs paſſez encountre meſme les defendants & oveſqe les ditz pleintifs. Et qe par meſmes les juggementz null autre des ditz defendantz ſinon ceux vers queux les avauntditz foreins reſponſes & plees ſount trovez & triez ſoit bleſſez ne endamages. Et qe ſi eſtatuit touchant loffice de viſcount baillif de fraunchiſe & coroner en retournant des perſones de la ſufficiauntee du frank tenement dannuell value de xx. li.' & qe null perſone de meindre ſufficiante du frank tenement ſoit jurie en les ditz actions & briefs datteint ne extende pas as citees & burghs de le dit Roialme ne a les enhabitantz en icelles.

Purveu toutz foitz qe ſi en aſcuny de les ditz countees ne ſoient perſones enhabitantz deſoubz le ſtate de baron del poſſeſſion dez terres & tenementz dannuell value de xx. li. en meſme le counte en la fourme avantdit a ſuffire le noumbre pur eſtre empanelles & retournes en les ditz actions & briefs datteint qadonques le viſcount baillifs de franchiſez & coronours de meſme le counte empanell & retourne en meſmes les actions & briefs perſones illeoqes enhabitantz de la pluis ſufficiante du poſſeſſion dannuell value de terrez & tenementz deinz la value de xx. li. par an en meſme le counte en la fourme avauntdit & qe a ceux perſones nextende pas lavauntdite chalanges qils ne ſount del ſufficiante des terres & tenementz dannuell value de xx. li. en meſme le counte & ceo auxi ſovent qe aſcun de meſmes les viſcountz baillifs ou coroners face le contrarie de ceſt darrein article qil paie au Roy x. li. & au ditz pleintifs x. li. en la fourme avantdite.

'King's Court upon any Iſſue in the ſaid Actions of Attaint, if he be for the ſame by the Plaintiffs in due Form challenged. And that alſo as often as any Sheriff, Bailiff of Franchiſe, or Coroner, do contrary to this Ordinance, he ſhall pay, and by this Statute be bound to pay to the King x. li. and to the Plaintiffs in the ſaid Actions and Writs of Attaint for their Delay other x. li. And if any of the foreign Anſwers and Pleas be tried and found againſt any of the ſaid Defendants, that then the ſame Judgement againſt the ſame Defendants, and for the ſaid Plaintiffs, ſhall be given by the King's Juſtices, and Conſideration of his Courts, as by the Law ſhould be given againſt the ſame Defendants, in caſe that the Grand Jury in the ſaid Actions and Writs of Attaint, upon the Points and Articles of the ſame Writs, had paſſed againſt the ſame Defendants, and with the ſaid Plaintiffs. And that by the ſame Judgements, no other of the ſaid Defendants, but they againſt whom the aforeſaid foreign Anſwers and Pleas be found and tried, ſhall be prejudiced or endamaged; and that this Statute touching the Office of Sheriff, Bailiff of Franchiſe, and Coroner, in returning of the ſaid Perſons of the Sufficiency of Freehold of the yearly Value of xx. li. and that no Perſon of leſs Sufficiency of Freehold be ſworn in the ſaid Actions and Writs of Attaint, ſhall not extend to Cities and Boroughs within the ſaid Realm, nor to the Inhabitants in the ſame.

A foreign Plea pleaded by any of the Defendants found for the Plaintiff. Keilw. 55.

This Statute doth not extend to Cities or Boroughs.

'II. Provided always, That if in any of the ſaid Counties there be not Perſons inhabiting (under the Eſtate of a Baron) of Poſſeſſion of Lands and Tenements of the yearly Value of xx. li. in the ſame County, in the Form aforeſaid, to ſuffice the Number to be impanelled and returned in the ſaid Actions and Writs of Attaint, that then the Sheriff, and Bailiffs of Franchiſes, and Coroners of the ſame County, ſhall impanel and return in the ſame Actions and Writs, Perſons there inhabiting, of the moſt ſufficient of Poſſeſſion of yearly Value of Lands and Tenements within the Value of xx. li. in the ſame County in the Form aforeſaid; and that to ſuch Perſons the ſaid Challenge extend not, that he is not of Poſſeſſion of Lands and Tenements of the yearly Value of xx. li. in the ſame County; and that as often as any of the ſame Sheriffs, Bailiffs, or Coroners do contrary to this preſent Article, he ſhall pay to the King x. li. and to the Plaintiffs x. li. in the Form aforeſaid.'

A Remedy if there be not ſufficient Men in the ſame County, who have Lands of the yearly Value of xx *l.*

Farther provided for by 23 H. 8. c. 3. *And ſee farther Regulations in Attaints* 11 *H.* 7. *c.* 21 *&* 24. 19 *H.* 7. *c.* 3. *and* 37 *H.* 8. *c.* 5.

CAP. VI.

A Reſtraint of unlawful Orders made by Maſters of Guildes, Fraternities, and other Companies.

EXP. 19 H. 7. c. 7.

CAP. VII.

All Perſons Religious and Secular may make their general Attornies to ſue or plead for them in every Hundred and Wapentake.

EXP. 20 H. 3. c. 10. 13 Ed. 1. ſtat. 1. c. 10. 7 R. 2. c. 14.

CAP. VIII.

No Merchant ſhall ſhip any Merchandiſes of the Staple, but at Wharfs aſſigned, *&c. See Appendix.*

Statutes

Statutes made at Weſtminſter, Anno 18 Hen. VI. *and* Anno Dom. 1439.

"OUR Lord King Henry the Sixth after the Conqueſt, at his Parliament holden at *Weſtminſter* the Morrow after St. *Martin*, in Winter, the Twelfth Day of *November*, the Eighteenth Year of his Reign, to the Honour of God, and for the Weal of him and of his Realm, by the Advice and Aſſent of the Lords Spiritual and Temporal, and the Commons in the ſame Parliament aſſembled, hath made, ordained, and ſtabliſhed divers Statutes and Ordinances in the Form following."

Ex Rot. in Turr. Lond.

NOSTRE Seignur le Roi Henry le ſiſme apres le conqueſt a ſon parlement tenuz a Weſtm' le lendemayn de Seint Martin en iver le xij^me jour de Novembre lan de ſon reigne xviij^e al onour de Dieu & pur le bien de luy & ſon Roialme de ladvys & aſſent des Seignurs eſpirituelx & temporelx & les Communes en meſme le parlement aſſembleez ad fait ordeigner & eſtablier diverſes eſtatuitz & ordinances en la fourme qenſuit.

CAP. I.

Letters Patent ſhall bear the Date of the King's Warrant delivered into the Chancery.

Farther provided for 27 H. 8. c. 11.

"FIRST, Whereas by Suit made to the King by divers Perſons, it hath been deſired by their Petitions, to have Offices, Ferms, and other Things of the Gift and Grant of the King, by his gracious Letters Patents thereof to them to be made, deſiring by the ſame Petitions, the ſame Letters Patents of the King to bear Date at a certain Day limited in the ſame, the which Day is often long before, the King's Grant to them thereupon made have born the ſame Date, by reaſon whereof divers of the King's liege People having ſuch Offices, Ferms, and other Things of the Gift or Grant of the King, by his gracious Letters Patents thereof to them long Time before duly made, by ſuch ſubtil Imagination of ſuch Antedates deſired by ſuch Petitions, of ſuch Offices, Ferms, and other Things, often have been put out, amoved, and expelled, againſt Right, good Conſcience, and Reaſon:" 'Our ſaid Lord the King, willing to put out ſuch Imaginations, by the Advice and Aſſent of the Lords Spiritual and Temporal aforeſaid, and at the ſpecial Requeſt of the ſaid Commons, hath ordained, by Authority of the ſame Parliament, That of every Warrant hereafter ſent by the ſame our Lord the King, or his Heirs, to the Chancellor of *England* for the Time being, the Day of the Delivery of the ſame to the Chancellor ſhall be entered of Record in the Chancery; and that the Chancellor do cauſe Letters Patents to be made upon the ſame Warrant, bearing Date the Day of the ſaid Delivery in the Chancery, and not before in any wiſe; and if any Letters Patents be from henceforth made to the contrary, they ſhall be void, fruſtrate, and holden for none.'

Plow. f. 49 v. 20 H. 7. f. 8. Dyer, f. 133.

PRimerement come par ſuite fait au Roy par divers gentz ad eſte deſire par lour petitions daver offices fermes & autres choſes del don & graunte du Roy par ſez gracious lettres patentz ent a eux a faire deſirauntz par icell petitions meſmes les lettres patentz du Roy de porter date a certein jour limite en icell le quell jour eſt ſovent longement devaunt le graunte du Roy a eux faitz de lour ditz petitions parount les lettres patentz du Roy a eux ſur ceo faitz ount porte meſme la date a cauſe de quell divers lieges du Roy eiantz tielx offices fermes & autres choſes du don ou graunte du Roy par ſez gracious lettres patentz a eux longe temps devaunt duement fait par tielx ſubtils ymaginations de tiels antedates deſirez par tiels petitions de tiels offices fermes & au res choſez ſovent ount eſte ouſtes amoves & expelles encountre droit bon conſcience & reaſon. Noſtre dit Seignur le Roy voillant ouſtier tiels ymaginations del avys & aſſent des Seignurs eſpirituelx & temporelx & al eſpeciale requeſt des ditz Communes ad ordine par auctorite de meſme le parlement qe de qeconqe garrent en apres par meſme noſtre Seignur le Roy ou ſez heires al Chaunceller dEngleterre pur le temps eſteant addreſſe le jour du livere dicell al Chaunceller ſoit entre du recorde en la Chauncerie & qe le Chaunceller face faire lettres patentes ſur meſmes les garrantz portantz date le jour du dit livere en la Chauncellerie & nemy devaunt en null manere & ſi aſcuns lettres patentes ſoient deſore faitz al contrarie ſoient voidez irritez & tenuz pur nulles.

CAP. II.

They which have Gavelkind Lands to the yearly Value of Twenty Pounds, may be returned in Attaints.

15 H. 6. c. 3.

"ITEM, Whereas in the Parliament of our Lord the King, holden at *Weſtminſter* the Fifteenth Year of his Reign, among other Articles it was ordained, That no Sheriff, Bailiff of Franchiſe, nor Coroner, in Action or Writs of Attaint of Plea of Land of the yearly Value of xl. s. or more, nor in

ITEM come al parlement noſtre Seignur le Roy tenuz a Weſtm' lan de ſon reigne xv^me entre autres articles ſoit ordeigne qe null viſcount baille de fraunchis ne coroner en action ou briefes datteyntes de plee de terre de annuell value de xl. s. ou pluis nen action atteynt des faitz concernantz terres

Ex Rot. in Turr. Lond.

terres & tenementz de annuell value de xl. s. ou pluis ne perſonell action dount le jugement de recovere extend al ſomme de xl. li.' ou pluis retourne ne empanelle en null inquiſition ne enqueſte nulles perſones mes ceux enhabitantz deinz ſa baille qi ount eſtate a lour oeps ou ceux as queux autres perſones ount eſtate de fee ſimple fee taille ou franctenement en terres & tenementz de annuell value de xx. li.' par an ou pluis deins ſa baille hors de auncien demeſne cynk portz & la tenure de Gavylkynde par cauſe de quel ordenaunce a cauſe qe deins le countee de Kent ſount qe trent ou quarront perſones a pluis qe ount aſcuns terres ou tenementz hors de tenure de Gavylkynde pur ceo qe la grendre partie du dit counte ou bien pres tout eſt de tenure de Gavylkynde les queux perſones ſount continuelment empanellez & retournez en les ditz actions datteintes a graunde anientiſment & empoveriſſment des meſmes les perſones noſtre dit Seignur le Roy conſiderant les premiſſes ad graunte ordine & eſtablie par lauctorite deſuiſdit qe iceux hommes qi ount eſtat a lour oeps & auxint iceux as queux oeps autres hommes ount eſtat de fee ſimple fee taille ou franctenement es terres & tenementz dannuell value de xx. li.' de la tenure de Gavylkynde ſoient retournez & empanellez en autiels atteintes come ſount deſoubz reciteez les queux atteintes ne ſount pas ore pendantz mes purront pendre en temps avenir meſmes en les manere & fourme come aſcun autre perſone poet eſtre retournez & empanellez par force du dit eſtatuit fait le dit an quindſiſme.

" Action of Attaint of Deeds concerning Lands and " Tenements of the yearly Value of xl. s. and more, " nor in perſonal Action, whereof the Judgment of " the Recovery extends to xl. li. or more, ſhould " return or impanel in any Inquiſition or Inqueſt, any " Perſons but them that be inhabiting within his Baili- " wick, which have Eſtate to their Uſe, or they to " whom other Perſons have Eſtate of Fee-ſimple, Fee- " tail, or Free-hold, in Lands and Tenements of the " yearly Value of xx. li. or more, within his Baili- " wick, out of antient Demean, Five Ports, and the " Tenure of Gavelkind; in reſpect to which Ordi- " nance, ſeeing within the County of *Kent* there be " but Thirty or Forty Perſons at the moſt, which have " any Lands or Tenements out of the Tenure of Ga- " velkind, becauſe the greater Part of the ſaid County, " or well nigh all, is of the Tenure of Gavelkind, " which Perſons be continually impanelled and re- " turned in the ſaid Actions, to the great Hindrance " and Impoveriſhment of the ſame Perſons;" ' our ſaid Lord the King conſidering the Premiſſes, ' hath granted, ordained, and ſtabliſhed, by Author- ' rity aforeſaid, That thoſe Men which have Eſtate ' to their Uſe, and alſo they to whoſe Uſe other Men ' have Eſtate, of Fee-ſimple, Fee-tail, or Free-hold, ' in Lands and Tenements of the yearly Value of xx. ' li. of the Tenure of Gavelkind, ſhall be returned ' and impanelled in all ſuch Attaints as be above re- ' cited, which Attaints be not now depending, but ' may depend in Time to come, in the ſame Manner ' and Form as any other Perſon may be returned and ' impanelled by Force of the ſaid Statute made the ' ſaid Fifteenth Year.'

Farther provided for by 23 H. 8. c. 3. *And ſee farther Regulations in Attaints* 11 H. 7. c. 21 & 24. 19 H. 7. c. 3. *and* 37 H. 8. c. 5.

CAP. III.

Butter and Cheeſe may be tranſported without Licence.

O B.
21 R. 2. c. 17.
3 H. 6. c. 4. 14 H. 6. c. 2. 3 H. 6. c. 4. 1 & 2 Ph. & M. c. 5.

CAP. IV.

No Merchant Alien ſhall ſell any Merchandiſes in *England* to another Merchant Alien. Mayors, &c. of Cities and Towns to execute this Act. *See Appendix.*

CAP. V.

None appointed to be a Collector of a Fifteen in a City, ſhall be alſo Collector in the ſame County, except he hath Lands, &c.

ITEM come devaunt cez heures al temps de cheſcun xv^me & x^me a Roy ou a ſez progenitours grauntez collectours de meſme le x^me deins les citees & burghs de ſon Roialme eiantz citezeins ou burgeys de eux veignauntz al parlement ount ſovent eſte deputez & aſſignes des gentz demurantz deins meſmes les citees & burghs les queux & autres gentz demurantz en ycell ount ore tarde ſovent foitz eſtez foitz collectours de les xv^me & x^me a Roy grauntes ſibien en les countes deins quell meſmes les citees & burghs ſount come deins meſmes les citees & burghs a lour graunde perde & dammage & ſemblable deſtre en apres ſi remedie ent ne ſoit purveux meſme noſtre Seignur le Roy voillant encountre tielx perde & damage purvoier de remedie en ceſt parte ordeigne par lauctorite deſuiſdit qe null home demurant deins aſcun cite ou burgh deins le dit Roialme de la

" ITEM, Whereas heretofore at the Time of every " *Quinzime* and *Diſme* granted to the King, or to " his Progenitors, the Collectors of the ſame *Diſmes* " within the Cities and Boroughs of his Realm, having " Citizens or Burgeſſes of them coming to the Parlia- " ment, have often been deputed and aſſigned of Per- " ſons dwelling within the ſame Cities and Boroughs, " which and other Perſons dwelling in the ſame have " often now of late been made Collectors of the ſame " *Quinzimes* and *Diſmes* granted to the King, as well " in the Counties within which the ſame Cities and " Boroughs be, as within the ſame Cities and Bo- " roughs, to their great Loſs and Damage, and likely " more to be hereafter, if Remedy be not provi- " ded;" ' the ſame our Lord the King, willing againſt ' ſuch Loſs and Damage to provide a Remedy in ' this Behalf, hath ordained by the Authority afore- ' ſaid, That no Man dwelling within any City or Bo- " rough

‘ rough within the ſaid Realm, of which City or Bo-
‘ rough it hath been uſed before this Time, and yet
‘ is, the Names of certain Men by the Perſons for
‘ the ſaid City or Borough coming to the Parliament
‘ to be delivered in the King's Chancery, to be Col-
‘ lectors of *Diſmes* in the ſame City or Borough,
‘ and whereupon the King hath ſent his Letters Pa-
‘ tents to the ſame Perſons ſo named and delivered
‘ in his Chancery, to be Collectors of the *Diſmes*, or
‘ Parcel of the ſame, within the ſaid City or Borough,
‘ and the which Collectors have uſed and been bound
‘ to accompt of their Receit in this Behalf immediately
‘ in the King's Exchequer, ſhall in any wiſe be de-
‘ puted nor aſſigned to be Collector of any *Quinzime*,
‘ or any Parcel of the ſame, granted or to be granted
‘ to the King or his Heirs within any County of this
‘ Realm, except that he may diſpend in the County
‘ out of the ſaid City or Borough, in Lands or Tene-
‘ ments, to the Value of an Hundred Shillings by
‘ Year, over the Charges and Repriſes.’

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quell cite ou burgh il ad eſte uſe devaunt cez heures & unqore eſt les nouns de certeins homes par les perſones pur la dit citee ou burgh veignauntz al parlement deſtre deliverez en la Chauncerie du Roy deſtre collectours du x^me^ en meſme le citee ou burgh & ſur qe le Roy ad myś ſez lettres patentz a meſmes les perſones iſſint nomes & deliveres en ſa dit chauncerie deſtre collectours de la x^me^ ou parcell dicell deins la dit citee ou burgh & les queux collectours ount accomptes & ſount tenuz dacomptier de lour receit en ceſt partie immediat en leſchequer du Roy ſoit en aſcun manere depute ne aſſigne deſtre collectour daſcun xv^me^ ou aſcun parcell dicell au Roy ou ſez heires grauntes ou a grauntiers deins aſcun countee diceſt Roialme ſinon qil poet expendre en le countee hors du dit citee ou burgh es terres ou tenementz a la value de C. s. par an outre les charges & repriſez.

CAP. VI.

No Lands ſhall be granted by Letters Patents, until the King's Title be found by Inquiſition.

8 H. 6. c. 16. “ ITEM, whereas in a Parliament holden at *Weſt-*
“ *minſter*, the Morrow after St. *Matthew* the Apo-
“ ſtle, the Eighth Year of the Reign of our Lord the
“ King that now is, among other Things it was or-
“ dained, That no Lands or Tenements ſeiſed into
“ the King's Hands upon Inqueſts taken before the
“ Eſcheators or Commiſſioners, ſhall not be granted
“ nor let in any wiſe to ferm by the Chancellor, or
“ Treaſurer of *England*, or any other the King's Of-
“ ficer, until the ſame Inqueſts and Verdicts be fully
“ returned into the Chancery, or into the Exchequer,
2 Leon. 124, 185. Goldſb. 21. pl. 1. Savil 70. “ but all ſuch Lands and Tenements ſhall wholly
“ and continually remain in the King's Hands, until
“ the ſaid Inqueſts and Verdicts be returned, and by
“ a Month after the ſame Return; if it be not ſo that
“ he or they which feel themſelves grieved by the ſame
“ Inqueſts, or put out of their Lands or Tenements,
“ come into the Chancery, and offer themſelves to
“ traverſe the ſaid Inqueſts, and offer themſelves to
“ take the ſame Lands or Tenements to ferm; and
“ if they ſo do, that then the ſame Lands and Tene-
“ ments ſhall be committed to them, if they ſhew good
“ Evidences proving their Traverſe to be true, ac-
“ cording to the Form of the Statute made the Six and
“ thirtieth Year of EDWARD the Third, to hold until
“ the Iſſue taken upon the ſame Traverſe be found and
“ diſcuſſed for the King, or for the Party, finding
“ ſufficient Surety to purſue the ſaid Traverſe with
“ Effect, and to yield and to pay to the King the
“ yearly Value of the Lands or Tenements, whereof
“ the Traverſe ſhall be ſo taken, if it be adjudged for
“ the King; and if any Letters Patents of any
“ Lands or Tenements be made to any other Perſon
“ to the contrary, or let to ferm within the ſaid Month
“ of the Return, they ſhall be void, and holden for
36 Ed. 3. c. 13. “ none. The which good Statute and Ordinance
“ divers Perſons deviſing to ſubvert, and by their Sub-
“ tility to ſerve as for no Purpoſe, have ſued to obtain
“ ſuch Gifts and Grants, and Ferms, by the King's
“ Letters Patents, before any Inquiſition or Title
“ found for the King of the ſame, pretending ſuch

ITEM come en le parlement tenuz a Weſt' lendemayn de Seint Mathe lappoſtel lan du reigne noſtre Seignur le Roy qoreſt viij^me^ ordine ſoit entre autres qe nulles terres ne tenementz ſeiſiez en mayns le Roy ſur enqueſtes priſes devaunt les eſchetours ne commiſſioners ne ſoient aſcunement leſſez ne grauntez a ferme par Chaunceller ou Treſorer dEngleterre ou autre officer le Roy qeconqe tanqe meſmes les enqueſtes & verditz ſoient retournez plainement en la Chauncerie ou en leſcheqer mes demurgent toutz tielx terres & tenementz entierment & continuelment en lez mayns le Roy tanqe les ditz enqueſtes & verditz ſoient retournes & par un moys apres meſme le retourne ſi iſſint ne ſoit qe ceux ou celuy qi ſente ou ſentent eux grevez par meſmes les enqueſtz ou ouſtes de lour terres ou tenementz veignent en la Chauncery & ſoy proferont de traverſer les ditz enqueſtes & ſoy offeront de prendre meſmes les terres & tenementz a ferme ſoient commys a eux ſils monſtrent bons evidences provauntz lour traverſe eſtre verroiez ſolonc la fourme de leſtatuit fait lan xxxvi^me^ le Roy E. tierce a tener tanqe liſſue ſur meſme le traverſe pris ſoit trove & diſcuſſe pur le Roy ou pur le partie trovent ſuffiſaunt ſurete de ſuer le dit traverſe ove effecte & de rendre & paier au Roy le annuell value des terres ou tenementz dount la traverſe enſy ferra pris ſil ſoit diſcuſſe pur le Roy & ſi aſcuns lettres patents des aſcuns terres ou tenementz ſoient faitz a contrarie a aſcun autre perſone ou leſſe a ferme deinz le dit moys de retourne ſoient voidez & tenuz pur null. Le quel bon eſtatuit & ordenaunce divers perſones ymaginantz a ſubverter & par lour ſubtilite de ſervir come de null purſuount daver tielx dones grauntes & fermes par lettres patentes du Roy devaunt aſcun inquiſition ou title trove pur le Roy dicelx pretendauntz tielx dones & grauntes nient eſtre compriſe

ne

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ne remedies par le dit eſtatuit nient obſtant qil eſt en owell meſchief de le dit eſtatuit. Noſtre Seignur le Roi conſiderant les premiſſes & voillant en ceo partie purvoier de remedie ad ordeigne par lauctorite deſuiſdit qe nullez lettres patentes ſoient faitz a aſcun perſone ou perſones daſcunes terres ou tenementz devaunt inquis' de title du Roy en yceux trove en ſa Chauncerie ou en ſon Eſchequyr retourne ſi title du Roy en yceux ne ſoit trove de recorde ne deinz le moys apres meſme leretourne ſil ne foit a celuy ou ceux qi tende ou tendent lour traverſez come deſuis eſt dit & ſi aſcuns lettres patentes ſoient faitz a contraire ſoient voides & tenuz pur null.

" Gifts and Grants not compriſed nor remedied by the " ſaid Statute, notwithſtanding that it is in like Miſ- " chief of the ſaid Statute." ' Our ſaid Lord the ' King, conſidering the Premiſſes, and willing to pro- ' vide due Remedy in this Behalf, hath ordained, by ' the Authority aforeſaid, that no Letters Patents ſhall ' be made to any Perſon or Perſons of any Lands or ' Tenements, before Inquiſition of the King's Title in ' the ſame be found in the Chancery or in his Exche- ' quer returned, if the King's Title in the ſame be not ' found of Record, nor within the Month after the ' ſame Return, if it be not to him or them which ten- ' der their Traverſes as afore is ſaid; and if any ' Letters Patents be made to the contrary, they ſhall ' be void, and holden for none.'

Bro. Office, 56. Fitz. Grant. 91. Dyer, f. 146.

March 84. 1 H. 8. c. 10. *Farther provided for by* 23 H. 6. c. 17.

CAP. VII.

In what Time an Eſcheator ſhall return an Office found before him.

ITEM ordeigne eſt par lauctorite deſuiſdit qe en cas qe aſcun eſchetour preigne aſcun office devaunt luy & ne retourne meſme loffice en la Chauncerie ou leſchequyr du Roy deins le moys apres la priſe dicell qil outre la peyne de xl. li. les queux il ad forfait par leſtatut fait lan du reigne noſtre dit Seignur le Roy oeptiſme ſoit tenuz a paier a meſme noſtre Seignur le Roy a taunt come il eſt endamage a cauſe de non retourne de tiel office. Et qe le Chaunceller dEngleterre apelle a luy le Treſorer dEngleterre en leſſant tieux fermes pur due execution faire de dit eſtatut fait le dit an oeptiſme.

' ITEM it is ordained by the Authority aforeſaid, ' That in Caſe any Eſcheator take any Office ' before him, and return not the ſame Office in the ' Chancery, or in the King's Exchequer, in the ' Month after the taking of the ſame, he ſhall incur ' the Pain of xl. li. which he hath forfeited by the Statute ' made the Eighth Year of our ſaid Lord the King; ' and alſo he ſhall be charged to pay to the ſame ' our Lord the King as much as he is indamaged in ' Reſpect of not returning of ſuch Office; and that the ' Chancellor of *England* call to him the Treaſurer of ' *England* in letting ſuch Ferms, to make due Execu- ' tion of the ſaid Statute made the ſaid Eighth Year.'

8 H. 6. c. 16.

Enforced by 1 H. 8. c. 8. *And ſee* 2 & 5 *Ed.* 6. c. 8. *ſec.* 3.

CAP. VIII.

What Things be requiſite to make the King's Safe Conduct good.

ITEM come pluſours gentz des communes ſuiſditz poſſeſſours de niefs & veſſeaux du Roialme noſtre ſovereigne Seignur les maiſtres & mariners de tielx niefs & veſſeaux parnours des niefs & veſſeaux de Spayne & dautres parties adverſaries & enemeys au dit noſtre ſoveraigne Seignur par le ſuyte des merchauntz aliens del amite du noſtre Roy fait devaunt le Roy & ſon counſaill & aſcun foitz devaunt le Chaunceller dEngleterre ount eſte graundement vexez & ſont de jour en autre de ceo qe les ditz parnours priſteront lour biens & merchaundiſes charges en meſmes les niefs & veſſeaux de Spayne & autres parties enemyes ſuiſditz & aſcun foitz par faux teſmoignes marques & lettres teſtimonialx contrevez ſount reſtorez as ditz biens & merchaundiſes ove lour damages & expenſes a graunde & grevouſe damage des ditz poſſeſſours maiſtres & mariners parnours ſuiſditz diſcorage as lieges noſtre dit Seignur le Roy a faire niefs & veſſeaulx & en amenuſement du navie du Roialme ſuiſdit noſtre dit Seignur le Roy conſiderant la matier ſuiſdit & coment les biens & merchaundiſes des lieges du Roy en ſemble cas charges & priſez ſount forfaitz au Roy ad ordeignez & grauntez par lauctorite deſuiſdit qe les dit merchauntz aliens a lour volunte purront charger tieulx niefs & veſſealx de Spayne & dau-

" ITEM, Whereas many People of the Commons " aforeſaid, Owners of Ships and Veſſels of this " Realm, and the Maſters and Mariners of ſuch Ships, " taking Ships and Veſſels of *Spain*, and of other Par- " ties, Adverſaries and Enemies to our ſaid Lord the " King, by the Suit of Merchants Aliens of the King's " Amity, made before the King and his Council, and " ſometime before the Chancellor of *England*, have been " greatly vexed, and be daily, for that the ſaid Takers " do take their Goods and Merchandiſes charged in " the ſaid Ships and Veſſels of *Spain* and other Parts, " Enemies aforeſaid, and ſometime by falſe Witneſs, " Marks, and Letters Teſtimonials contrived, the ſaid " Aliens be reſtored to the ſaid Goods and Merchan- " diſes with their Damages and Expences, to the great " and grievous Loſs of the ſaid Owners, Maſters, and " Mariners, Takers aforeſaid, and Diſcouragement to " the King's liege People to make ſuch Ships and Veſ- " ſels, and in Hindrance of the Navy of the Realm " aforeſaid;" ' our ſaid Lord the King conſider- ' ing the Matter aforeſaid, and how the Goods and ' Merchandiſes of the King's liege People in like caſe ' charged and taken be forfeit to the King, hath or- ' dained and granted by the Authority aforeſaid, That ' the ſaid Merchants Aliens, at their Pleaſure, may ' charge ſuch Ships and Veſſels of *Spain*, and of other ' Parts, Adverſaries and Enemies of the King, if the ' Maſters,

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'Maſters, Owners, or Merchants of ſuch Veſſels and 'Ships having Letters Patents of the King, of his 'Safe Conduct, Surety, or Safeguard for ſuch Ships 'or Veſſels, and Merchandiſes, making Mention of 'the Name of the Ships or Veſſels, and of the Name 'of the Maſter of the Ships and Veſſels, as the Man-'ner is; and if any ſuch Ships or Veſſels, charged 'with any Merchandiſes of ſuch Merchants aforeſaid, 'be taken upon the Sea by the King's liege People, 'not having the King's Letters Patents, as afore is 'ſaid, within the Board of ſuch Ships or Veſſels, at 'the Day of the taking, nor that ſuch Letters Patents, 'at the Day of the taking, be in the King's Chan-'cery enrolled of Record, that then the Takers and 'Poſſeſſors of the Goods and Merchandiſes, ſo taken, 'may enjoy and hold the ſame, any Statute or Or-'dinance made to the contrary notwithſtanding; 'and that this Statute and Ordinance ſhall begin to 'take his Force at the Feaſt of St. *Michael* next 'coming; and that Proclamation be thereof made 'upon the Sea-Coaſts incontinently after this Ordi-'nance, to the Intent that the ſaid Merchants Aliens 'may have Knowledge of the ſame Ordinance.'

15 H. 6. c. 3. *Explained* 20 H. 6. c. 1. 31 *H.* 6. c. 6. *Confirmed by* 34 Ed. 4. c. 4.

tres parties adverſaries & enemyes du Roy ſi les maiſtres poſſeſſours ou merchauntz de tielx veſſealx & niefs eient les lettres patentes du Roy de ſon ſaufconduit ſuerte ou ſaufgarde pur tielx niefs veſſeaulx & merchaundiſe faiſant mention du noun de niefs ou veſſeaulx & de noun de meſtre dicelles niefs & veſſalx ſi come le manere eſt ſi aſcuns tielx niefs ou veſſeaulx charges ove aſcunes merchaundiſes de tielx merchauntz avauntditz ſoient priſez ſur meer par lieges du Roy non eiant les lettres patentz du Roy come avaunt eſt dit dedeins le bord de tielx niefs ou veſſeaulx a jour de la priſe ne qe tielx lettres patentz le jour de la priſe ſoient en la Chauncellarie du Roy enrollez de recorde qe adonqes les parnours poſſeſſours les biens & merchandiſes enſy priſez pourront enjoyer & tenir aſcun eſtatuit ou ordenaunce fait en la contraire non obſtant. Et qe ceſt eſtatuit & ordeinaunce ſoit commence a tenir ſa force a la feſt de Seint Michell prochein veignaunt & qe proclamation ent ſoit fait ſur les coſtes de le meer toſt apres ceſt ordeinaunce al entent qe les ditz merchauntz aliens pourront avoir coniſaunce de meſme lordenaunce.

CAP. IX.

The Warrant of Attorney ſhall be recorded in the ſame Term that the Exigent is awarded.

10 H. 6. c. 4.

"ITEM, Whereas in a Statute expired, made the "Tenth Year of the Reign of our Lord the King "that now is, it was contained, That ſeeing divers of "the King's liege People before that Time had been "outlawed, vexed, and greatly diſquieted in divers "Suits, as well before the King himſelf in his Bench, "as in the Common Bench, in the Records of which "Suits the Entries have been made, that the Plain-"tiffs in the ſame Suits *Obtulerunt ſe in propria "perſona ſua*, where the ſame Plaintiffs in the ſame "Suits did not appear to ſuch Suits, nor had any "Knowledge of the ſame, to the great Miſchief "of the ſaid liege People, if Remedy ſhould not be "provided: Our Lord the King, willing in this "Caſe to provide a Remedy, did ordain, by Autho-"rity of the ſame Parliament holden the ſame Year, "That no Fyliſer, Exigenter, nor any other Officer, "from the ſame Time ſhould make any ſuch Entry "in any ſuch Suit, except that the ſame Plaintiff in "the ſame Suit, before any ſuch Entry ſhall be made, "do appear in his proper Perſon before ſome of the "Juſtices of the Place where the Plea was or ſhall be "hanging; and there ſhall be ſworn upon a Book, "that he was the ſame Perſon in whoſe Name the "ſaid Suit was ſued, or that ſome other credible Per-"ſon of his Council ſhall make ſuch Oath for him. "And that this Ordinance ſhall endure until the "next Parliament following." 'Our ſaid Lord the 'King conſidering moreover like Damages, which 'happen as well to him, as to his poor liege People 'and Subjects, for that in the Records of divers and 'many Outlawries, the Entry is, that the Parties do 'appear by their Attornies, where the Attornies have 'no Warrant of Record, by reaſon whereof the ſaid 'Outlawries be reverſible, and for the moſt part re-'verſed, hath ordained, by Authority of this Par-

A falſe Entry, that the Plaintiff in a Suit doth offer himſelf in proper Perſon, where he doth not.

21 Ed. 3. f. 1. 3 H. 4. f. 3.

ITEM come en un eſtatuit determine fet lan du reigne noſtre Seignur le Roy qoreſt x^me^ fuiſt contenuz coment pur ceo qe divers lieges le Roy avaunt cez heures ount eſte utlages vexez & graundement diſſeiſez en diverz ſuytes ſibien devaunt le Roy meſme en ſon bank come en le commune Bank en les recordes les queux ſuytes les entres ount eſte faitz qe le pleintifs en meſme le ſuytes optulerunt ſe in propria perſona ſua lou meſme les pleintifs en meſme les ſuytes napparerunt as tielx ſuytes ne conuſaunce avoient de cell au graund miſchief des ditz lieges ſi remedie ne ſerroit purveu en cell partie. Noſtre Seignour le Roy voillant en ceo cas purvoier de remedie ordeigna par auctorite du parlement tenuz meſme lan qe null philicer exigenter ne autre officer depuis meſme le temps ferroit tiel entre en aſcun ſuyte ſinon qe le pleintif en meſme le ſuyte avaunt qe aſcun tiel entre ſerroit fait apparage en le propre perſone devaunt aſcun des Juſtices de lieu lou le plee fuiſt ou ſerroit pendant & illoeqes ſerroit jure ſur un livre qil fuiſt meſme la perſone en qe noun le dit ſuyte fuiſt ſuye ou qe autre creable perſone de ſone counſaill ferroit tiel ſerment pur luy. Et qe le dit ordeinaunce dureroit tanqe al prochein parlement apres ceo. Noſtre dit Seignur le Roy conſiderant outre ceo ſemblable damagez le quel avient ſibien a luy come a ſez povre lieges & ſubjectz pur ceo qe en les recordes des divers & pluſours utlagaries lentre eſt qe les parties apparent par lour attourneys lou les attourneys nount garraunt de recorde a cauſe de quel les ditz utlagariez ſount reverſable & pur le greindre partie reverſez ad ordeigne par auctorite diceſt parlement qe le dit eſtatuit ſoit afferme tenuz & garde a durer a toutz

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toutz jours. Et qe null officer contenuz en le dit eſtatut face le contrarie dicell ſur peyne de forfere xl. s. a Roy cheſcun foitz qe il eſt de ceo atteint par due examination feet par aſcun des Juſtices de meſme le place devaunt qe aſcun entre ou recorde eſt. Et qe cheſcun attorney qe nad ſon garraunt entre de recorde en toutz ſez ſuytz en les queux proc' de Capias & exigent eſt agardable meſme le terme en le quel lexigent eſt agarde ou devaunt & ſur ceo atteint par ſemblable examination pur cheſcun ſoitz qe il iſſint offende encourge la peyne avauntdit.

'liament, That the ſaid Statute be affirmed, holden, and kept to endure for ever. And that no Officer contained in the ſaid Statute ſhall do to the contrary of the ſame, upon Pain of Forfeiture of Forty Shillings to the King, every Time that he of that ſhall be attainted by due Examination made by any of the Juſtices of the ſame Place, before whom any Entry or Record is. And that every Attorney which hath not his Warrant entered of Record in all his Suits wherein Proceſs of *Capias* and *Exigent* be awardable, the ſame Term in which the *Exigent* is awarded, or before, and upon that be attainted by like Examination, for every Time that he ſo offendeth he ſhall incur the Pain aforeſaid.'

The Statute of 10 H. 6. c. 4. rehearſed and made perpetual.

The Penalty if an Attorney records not his Warrant the ſame Term the *Exigent* is awarded.

Farther provided for by 32 H. 8. c. 30. 2 & 3 Ed. 6. c 32. 18 El. c. 14.

CAP. X.

Commiſſions of Sewers ſhall be awarded where Need ſhall require, during Ten Years.

EXP. 6 Hen. 6. c. 5.

CAP. XI.

Of what yearly Value in Lands a Juſtice of Peace ought to be.

ITEM come par les ſtatutz faitz en temps du nobles progenitours du Roy ordeigne ſoit qe en cheſcun counte dEngleterre ſoient aſſignez juſticez de la pluis vaillaunt du meſmes les countees pur garder la peas & autres choſes affaire come en meſmes leſtatutz pleinement eſt contenuz les queux eſtatutz nient obſtantz en pluſours countees dEngleterre ore tarde ount eſte deputez & aſſignez pluis graunde noumbre qe ne ſoleit avaunt cez heures dount aſcuns ſount de petit avoir par queux les gentz ne voillent eſtre governez ne demeſnez & aſcuns pur lour neceſſite ſount graunde extortion & oppreſſion ſur le peoplé dount graundez inconvenientz ſount ſemblablez de ſurdier de jour en autre ſi remedie ent par le Roy ne ſoit purveux. Le Roi voillant encontre tielx inconvenientz purvoier de remedie ordeigne & eſtablie par lauctorite deſuiſdit qe null juſtice du peas deins le Roialme dEngleterre en null counte ſoit aſſigne ou depute ſil neit terrez & tenementz a la value de xx. li. par an & ſi aſcun ſoit ordeigne en apres juſtice du peas en aſcun countee qi nad terrez & tenementz a la value ſuiſdit qe il de ceo notifie le Chaunceller dEngleterre pur le temps eſteant le quel mette un aultre ſuffiſaunt en ſon lieux & ſil ne face le dit notification come devaunt deins un moys apres ceo qe il ad notice du tiel commiſſion ou ſil ſeye ou face aſcun garaunt ou precept par force du tiel commiſſion qe il encourge la peyne de xx. li. & nientmeins ſoit ouſte del commiſſion come devaunt & eit le Roy lun moite du dit peyne & celuy qi voet ſuer pur le Roy lautre moite & eit celuy qi enſy veult purſuer pur le Roy & pur luy meſmes action a demander meſme la peyne par brief du dette al commune ley.

Purveu toutz foitz qe ceſt ordenaunce ne ſe extende as citees villes ou burghs queux ſount countees incorporates de eux meſmes ne as citees villes ou burghs qe ount juſtices de peas des gentz demurantz en icell par commiſſion ou graunte du

"ITEM, Whereas by Statutes made in the Time of the King's noble Progenitors, it was ordained, That in every County of *England* Juſtices ſhould be aſſigned of the moſt worthy of the ſame Counties, to keep the Peace, and to do other Things, as in the ſame Statutes fully is contained; which Statutes notwithſtanding, now of late in many Counties of *England*, the greateſt Number have been deputed and aſſigned, which before this were not wont to be, whereof ſome be of ſmall Behaviour[a], by whom the People will not be governed nor ruled, and ſome for their Neceſſity do great Extortion and Oppreſſion upon the People, whereof great Inconveniencies be likely to riſe daily if the King thereof do not provide Remedy:"

1 Ed. 3. ſtat. 2. c. 16. 4 *Ed.* 3. c. 2. 18 Ed. 3. ſtat. 2. c. 2. 12 *R.* 2. *c.* 10. 13 R. 2. ſtat. 1. c. 7. 2 *H.* 5. *ſtat.* 1. *c.* 4.

[a] Subſtance.

'The King willing againſt ſuch Inconveniencies to provide Remedy, hath ordained and eſtabliſhed, by Authority aforeſaid, That no Juſtice of Peace within the Realm of *England*, in any County, ſhall be aſſigned or deputed, if he have not Lands or Tenements to the Value of xx. li. by Year; and if any be ordained hereafter to be Juſtice of Peace in any County, which hath not Lands or Tenements to the Value aforeſaid, that he thereof ſhall give Knowledge to the Chancellor of *England* for the Time being, which ſhall put another ſufficient in his Place; and if he give not the ſaid Knowledge (as before) within a Month after that he hath Notice of ſuch Commiſſion, or if he ſit, or make any Warrant or Precept by Force of ſuch Commiſſion, he ſhall incur the Penalty of xx. li. and nevertheleſs be put out of the Commiſſion as before, and the King ſhall have one Half of the ſaid Penalty, and he that will ſue for the King, the other Half; and he that will ſue for the King, and for himſelf, ſhall have an Action to demand the ſame Penalty by Writ of Debt at the common Law.

2 Roll. 247.

Cro. Jac. 643.

1 Show. 399.

'II. Provided always, That this Ordinance ſhall not extend to Cities, Towns, or Boroughs, which be Counties incorporate of themſelves, nor to Cities, Towns, or Boroughs which have Juſtices of Peace of Perſons dwelling in the ſame by Commiſſion

Certain Perſons excepted, to whom this Statute doth not extend.

or

'or Warrant of the King, or of his Progenitors. 'Provided alſo, That if there be not ſufficient Perſons 'having Lands and Tenements to the Value aforeſaid, 'learned in the Law, and of good Governance, with-'in any ſuch County, that the Chancellor of *England* 'for the Time being ſhall have Power to put other 'diſcreet Perſons, learned in the Law, in ſuch Com-'miſſions, though they have not Lands or Tenements 'to the Value aforeſaid, by his Diſcretion.'

See farther Index, tit. Juſtices of Peace.

Ex Rot. in Turr. Lond.

Roy ou de ſez progenitours. Purveu toutz foitz qe ſils ne ſoient gentz ſuffiſauntz eiantz terres & tenementz a la * *value* ſuiſdit apris en la ley & de bon governance deins aſcun tiel counte qe le Chaunceller dEngleterre pur le temps eſteant eit poair de mettre autres diſcretz apris en la ley en tielx commiſſions meſqe ils ne eient terres & tenementz a la value ſuiſdit par ſa diſcretion.

CAP. XII.

Appeals or Indictments of Felony committed in a Place where there is none ſuch.

9 H. 5 *ſtat.* 1. c. 1.

"ITEM, Whereas in the Parliament holden at *Weſtminſter* the Second Day of *May*, the Ninth "Year of the Reign of King HENRY the Fifth, Fa-"ther to the King that now is, amongſt other Things "it was ordained and eſtabliſhed, for that many "People by Malice, Envy, and Revenge, cauſe often "the King's liege People to be appealed or indicted "in divers Counties of Treaſons or of Felonies, "ſuppoſing by the ſaid Appeals or Indictments, "that the ſaid Treaſons or Felonies were done in a "certain Place in ſuch a County where the Indict-"ment is made, or ſuch a Place as is or ſhall be "declared by the ſaid Appeals, where no ſuch Place "is in the ſame County, that the Proceſs of the ſame "ſhall be void, and holden for none; and that "the Indictors, Procurators, and Conſpirators, ſhall "be alſo puniſhed by Impriſonment and Fine, and "Ranſom for the King's Advantage, by the Diſ-"cretion of the Juſtices; and that the ſaid Ap-"pellees or Indictees may have Writs of Conſpiracy "againſt their Indictors, Procurators, and Conſpi-"rators, and ſhall recover their Damages. And "this Ordinance ſhall ſtand in his Force until the "next Parliament to be holden after the coming again "of the ſaid late King into *England*, from beyond the "Sea; which Statute by the Deceaſe of the ſaid late "King, by Opinion of ſome is expired, and by the "Opinion of ſome not expired." 'The ſame our 'Lord the King that now is, conſidering that the 'ſaid Ordinance was good and profitable for the Weal 'of him and his liege People, hath declared and or-'dained by Authority of this preſent Parliament, That 'the ſaid Ordinance made in the ſaid ninth Year, and 'ſo by the Death of his ſaid Father, as ſome think, 'expired, and not otherwiſe repealed, ſhall be and 'abide an effectual and available Statute and Ordi-'nance in Law perpetually to endure.'

A Writ of Conſpiracy maintainable againſt the Indictors, Procurators, and Conſpirators. Regiſt. 134. Raſt. pl. 123.

A Confirmation of the Stat. of 7 H. 5. c. 1. & 9 H. 5. c. 1. touching Appeals or Indictments of Felony or Treaſon.

ITEM come al parlement tenuz a Weſtm' la ſeconde jour de May lan du regne du Roy HENRY quint pier au Roy qoreſt ix^me^ entre autres ordeigne fuiſt & eſtablie pur ceo qe pluſours gentz par malice enmite & vengeance facent ſovent foytz des foialx lieges du Roy eſtre appellez ou enditees en divers countees des treſons ou des felonies ſuppoſantz par les ditz appelles ou en-ditementz qe les ditz treſons & felonies furent faitz en un certein lieu en tiel countee ou lenditement eſt fait ou tiel lieu come eſt ou ſerra declare par les ditz appelles lou null tiel lieu eſt en meſme le countee qe le proceſſe dicell ſoient voidez & tenuz pur null & qe les enditours procuratours & conſpiratours ſoient auxint puniz par im-priſonement fyn & ranſeon pur avantage du Roy par diſcretion des juſtices & qe les ditz appellez ou enditees purront aver briefs de conſpiracie vers lour enditours procuratours & conſpiratours & recoverer lour damages. Et qe ceſt ordenaunce eſtoiſe en ſa force tanqe a prochein parlement a tenier pluis la revenue le dit nadgairs Roy en Engleterre de pardela le quel eſtatuit par le treſpaſſement du dit nadgairs Roy par oppinion des aſcuns eſt expire & par oppinion de aſcuns nient expire. Meſme noſtre Seignur le Roy qo-reſt conſiderant qe la dit ordenaunce fuiſt bon & profitable pur le bien de luy & ſez lieges ad declare & ordeigne par auctorite diceſt preſent parlement qe la dit ordenaunce fait le dit an ix^me^ & enſy par la mort de ſon dit pier come aſcuns entendent expire & nient autrement repelle ſoit & demurge effectuell & availlable eſtatuit & or-denaunce en ley perpetuelment a durer.

CAP. XIII.

EXP. 9 *H.* 5. *c.* 2. 20 H. 6. c. 2. 31 H. 6. c. 6.

A Confirmation of the Statute of 9 HEN. 5. *c.* 2. concerning Forfeiture on Outlawries in the County of *Lancaſter*.

CAP. XIV.

EXP.

The Penalty for taking the Bribe in the arraying of a Jury.

* The Word *Value* ſeems to be wanting here, but is not on the Roll.

CAP.

CAP. XV.

In Turr. Lond.

It ſhall be Felony to carry Wooll or Woollfels to any other Place than to *Calais*, ſaving ſuch which paſs the Streights of *Marrock*. *See Appendix.*

CAP. XVI.

There ſhall be but one Meaſure of Cloth through the Realm by the Yard and the Inch, and not by the Yard and the Handful, according to the *London* Meaſure. EXP.

CAP. XVII.

Veſſels of Wine, Oyl, and Honey, ſhall be gauged.

ITEM pur ceo qe toutz les tonels pipes tertians & hoggeſhedes de vin oyle & mele vendables deins le Roialme dEngleterre doient & ſoloient ſolonc launcien aſſiſe de meſme le Roialme conteiner un certein meſure ceſtaſſavoir cheſcun tonell $\frac{xx}{xij}$ xij galons cheſcun pipe $\frac{xx}{vj}$ vi. galons cheſcun tertiane $\frac{xx}{iiij}$. iiij. galons cheſcun hoggeſhed $\frac{xx}{iij}$. iij. galons & par divers eſtatuitz ſoit ordeigne qe les tonels & pipes de vin ſoient gaugez mais pur le gauger de tonels & pipes de oyle & mele ne de tertians & hoggeſhedes de vin null ordenaunce de certein eſtoit fait devant cez heures au graunde damage du Roy & du ſon people. Le Roy voillant encountre ceſt damage purvoier de remedie en ceſt partie ad graunte & ordeigne par auctorite deſuiſdit qe deſore enavaunt toutz maners tonels pipes tertians & hoggeſhedes tant de vin come de oyle & mele a vendre deins le dit Roialme ſoient bien & loialment gaugez par le gaugeour du Roy ou par ſon deputee devaunt qe ils ſoient venduz ſur peyne de forfaire au Roy tout le vin oyle & mele en contrarie venduz ou la value dicell. Et en cas qe aſcun perſone de quelqe paiis qil ſoit deſore enavaunt vende a aſcun liege du Roy pur aſcun price en certain aſcun tonell pipe tertain ou hoggeſhed de vin oyle ou mele qe defaille aſcunement del aſſiſe & meſure avauntdit qil alowe & rebate de meſme la price a lachatour de tiel vin oyle & mele a taunt come tiel default par la rate amontera ſur peyne de forfaire au Roy le value de tout le vin oyle & mele au contrarie venduz aſcun prive covenant fait ou affaire entre le vendour & lachatour au contrarie de ceſt ordenaunce non obſtant. Et eit cheſcun qi eſpie aſcun des forfaitures avauntditz & ent enforme le Treſorer dEngleterre ou les Barons del Eſcheqer le moite de meſnez les forfaitures pur ſon travaill.

Purveux toutz foitz qe le dit gaugeour preigne & eit pur ſon labour entour le gaugeour de cheſcun tonell & pipe de oyle & mele ſicome il prent & ad de cheſcun tonell & pipe de vin & pur cheſcun tertiane & hoggeſhed ſolonc lafferant.

" ITEM, Becauſe all the Tuns, Pipes, Tertians and Hogſheads of Wine, Oyl, and Honey, vendible within the Realm of *England*, ought and were wont according to the antient Aſſiſe of the ſame Realm, to contain a certain Meaſure, that is to ſay, Every Tun Twelve-ſcore and Twelve Gallons, every Pipe Six-ſcore and Six Gallons, every Tertian Four-ſcore and Four Gallons, and every Hogſhead Three-ſcore and Three Gallons; and by divers Statutes it hath been ordained, That the Tuns and Pipes of Wine ſhall be gauged; but for the Gauging of Tuns, and Pipes of Oyl and Honey, or of Tertians and Hogſheads of Wine, no Ordinance hath been made in certain before this Time, to the great Damage of the King and of his People." 'The King willing againſt this Damage to provide a Remedy in this Behalf, hath granted and ordained by Authority aforeſaid, That from henceforth all Manner of Tuns, Pipes, Tertians, and Hogſheads, as well of Wine as of Oyl and Honey, to be ſold within the Realm, ſhall be well and lawfully gauged by the King's Gauger, or by his Deputy, before they be ſold, upon Pain to forfeit to the King all the Wine, Oyl, and Honey, contrary ſold, or the Value of the ſame. And in caſe that any Perſon, of what Country that he be, from henceforth ſell to any of the King's liege People, for any Price in certain, any Tun, Pipe, Tertian or Hogſhead of Wine, Oyl, and Honey, which wanteth in any wiſe of the Aſſiſe and Meaſure aforeſaid, that he allow and abate of the ſame Price to the Buyer of ſuch Wine, Oyl, and Honey, as much as ſuch Default after the Rate ſhall amount unto, upon Pain to forfeit to the King the Value of all the Wine, Oyl, and Honey to the contrary ſold, any privy Covenant made or to be made betwixt the Seller and the Buyer contrary to this Ordinance notwithſtanding. And every Perſon that eſpieth any of the Forfeitures aforeſaid, and thereof doth inform the Treaſurer of *England*, or the Barons of the Exchequer, ſhall have the Half of the ſame Forfeitures for his Labour.

Confirmed by 28 H. 8. c. 14. ſ. 5. 2 Leonard 38, pl. 52.

Abatement ſhall be made of the Price for the Quantity wanting. 4 Mod. 101.

' II. Provided always, That the ſaid Gauger take and have for his Labour for the gauging of every Tun and Pipe of Oyl and Honey, as he taketh and hath of every Tun and Pipe of Wine, and for every Tertian and Hogſhead after the Rate.'

The Gauger's Fee for gauging of a Tun or Pipe of Honey or Oyl. 27 Ed. 3. ſtat. 1. c. 8. 23 H. 6. c. 16. 1 R. 3. c. 13.

CAP.

CAP. XVIII.

How much a Captain ſhall forfeit that doth detain any Part of his Soldiers Wages.

Ex Rot. in Turr. Lond.

The Inconveniencies enſuing by Captains not paying of their Soldiers.

" ITEM, For that the King is and hath been well " certified of many great Deceits and Falſities, " which have been done to him and to his Realm by " ſome of the Captains which have before this Time " indented with the King to ſerve him in the Feat of " War, ſome beyond the Sea and in divers Parts, as " they be appointed and bound by their Indentures, " and ſome in his Marches on this Side the Sea, and " their Wages have been truly paid and contented by " the King, according to their Indentures, for them " and for all their Retinue, according to their Degrees, " which Wages many of the ſaid Captains have abuſed, " and taken upon them to deduce from their Soldiers, " of ſome more, and ſome leſs; ſo that ſuch, from " whom they have abated, have not been able to con- " tinue their Service, nor perform the ſame as of Right " and Reaſon they ought to have done, and peradven- " ture were willing to have done, if they had been " fully paid; which hath cauſed them to fall to Rob- " bery and Pillage, as well on this Side the Sea before " their going, as beyond the Sea, when they came " thither; amongſt other Things it hath been a great " Cauſe of long Continuance of the War, and great " Damage and Loſs which hath fallen to the Seigni- " ories and Countries of the King in his Obeiſance " beyond the Sea, and not only that, but Loſs alſo of " great Treaſure which hath been granted to the King, " and paid in the Form aforeſaid for the Defence of " his Land."

For what Cauſe a Captain may abate his Soldiers Wages, and how much.

' II. The King, willing againſt ſuch Damages and ' Loſſes to provide a Remedy in this Behalf, hath or- ' dained by the Authority aforeſaid, That no Captain ' which hereafter ſhall have the Conduct of ſuch Re- ' tinues, and ſhall receive the King's Wages for the ' ſame, ſhall abate of his Soldiers, nor any of them, ' any Part of their Wages, except it be for their Cloth- ' ing, that is to ſay, if they ſhall be waged for half a ' Year, Ten Shillings a Gown for a Gentleman, and ' Six Shillings Eight Pence for a Yeoman, upon Pain ' of Twenty Pound for every Spear, and Ten Pound ' for a Bow to the King, from whom he did abate ' upon the Tenour of the ſame.'

Farther provided for by 2 & 3 Ed. 6. c. 2. *and* 4 & 5 *P. & M.* c. 3.

ITEM pur ceo qe le Roy eſt & ad eſte bien apris de pluſours & graundes diſceites & fauxins queux ount eſte faitz a luy & a ſon Roialme par aſcuns de les capitains qi ount avaunt ceo endentez ove le Roy de luy ſervire en le fait de guerre aſcuns de pardela & as diverſes parties ſicome ils ſount ordeignez & obligez par lour endentours & aſcuns en ſes marches de pardecea & de le Roy pur lour gages ount eſte droitment paiez & contentez accordant a lour ditz endentours pur eux & pur toutz lour retenues ſolonc lour degrees de les quelles gages pluſours des ditz capitains ount abuſez & priz ſur eux dabatier ſur lour ſoldeours daſcun pluis & daſcun meyns iſſint qe tielx ſur queux ils ount abatez nount eſte de poair de continuer lour ſervice ne ceo parfourmer come de droit & reaſon ils duiſſent aver fait & fortunement voilloient aver fait ſils uſſent eſte pleinement paiez le quel ad cauſe eux decheier a robberie & pilage ſibien devaunt lour alance de pardecea come de pardela quant ils la vendrount entre autres ad eſte une graunde cauſe de la longe continuance de la guerre & graunde damage & perde qi ount cheiez a lez Seignuries du Roy & pays en ſa obeſance de perdela & nient ceo tantſolement mes perde auxint de graunde bien qad eſte graunte an Roy & paie en la fourme avauntdit pur la defenſe de ſa terre.

Le Roy voillant encountre autielx damages & perdes purvoier de remedie en cell partie ad ordeigne par lauctorite ſuiſdit qe null capitaine qi deſore enavaunt ayera le conduite dautielx retenues & receivera les gages le Roy pur ceo abata de ſez ſouldours ne de aſcun de eux aſcun partie de lour gagez ſinon qil ſoit pur lour veſture ceſtaſſavoir ſils ſoient gagez pur un dimi an x. s. une robe dune gentile home & vj. s. viiij. d. pur un vadlet ſur peyne de xx. li.' pur cheſcun lance & x. li.' pur cheſcun arc au Roy ſur qi il abata ſur le tenure diceſt.

CAP. XIX.

The Penalty of a Soldier not going with, or departing from, his Captain without Licence.

3 Inſt. 26.

" ITEM, Seeing divers and many Soldiers before " this Time, which have taken Parcel or half their " Wages of their Captains, and ſo have muſtered and " been entered of Record the King's Soldiers before " his Commiſſioners, for ſuch Terms for which their " Maſters have indented, have ſometime preſently after " their Muſter, and the Receipt of Part or of the " whole of their Wages, departed and gone where they " would, and have not paſſed the Sea with their ſaid " Captains, and ſome paſſed the Sea, and long within " their Terms departed from their Captains and the " King's Service, without apparent Licence to them " granted by their ſaid Captains, whereof hath grown " ſo great Damage to the King and to his Realm, and

ITEM pur ceo qe diverſes & pluſours ſoldeours devaunt ceſt temps les queux ount priſez lour gages parcell ou dimi de lour capitains & iſſint ount monſtrez & entrees de recorde lez ſoldeours du Roy devaunt ſez commiſſioners pur tielx termes pur quels lour maiſtres ount endentez ount aſcun temps maintenaunt apres lour monſtre & la receit de lour gages partie ou tout departez & alez lou ils voillent & nount my paſſez le meer eve lour ditz capitains & aſcuns paſſez le meer & longement deinz lour termes departez a lour capitains & a le ſervice du Roy ſaunce licence apparent grantez a eux par lour ditz capitains dount ad crewe ſy graunde damage au Roy & a ſon Roialme & ſi

pluſours

Ex Rot. in Turr. Lond.

plusours inconvenementz qe ne poient legierment estre expressez sicome de longe temps la experience ad monstre & les queles soldeours issint faisantz en taunt come en eux fuist anientereront lonour & la reverence du Roy & ount estez plusours graundes causeours des damages qe ount cheiez en sez terres & Seignuries de pardela & laventure auxint de les persones de les Seignurs & capitains qi eux conducerount.

Mesme le roi consideraunt les premisses & voillant encontre tielx inconveniencies & dammages purvoier de remedie ad ordeigne par lauctorite suisdit qe chescun homme issint moustrant & receyvant les gages le Roy le quel departe a son capitain deins son terme en ascun manere avauntdit ovesqe ceo qe notoire maladie ou impediment par la visitation de Dieu le quel poet estre conuz raisonable ne luy lessoet & le quel il certifia maintenaunt a son capitain & repaie sa money sicome il poet purvoier luy pur un autre soldeour en son lieu soit punyshe come un felon & qe les justices de la peas eient poair denquerrer de ceo & doier & terminer en icell. Et semblablement ad ordeigne par mesme lauctorite qe null soldeour home darmes ne archer issint moustrez de recorde & alant ovesqe son capitain de pardela reveigne ycy en Engleterre deins le terme pur qi son capitain endentera ne lessa son capitaigne la en le service du Roy & en aventure de la guerre saunz ceo qil eit cause raisonable monstre par son capitain & par luy a le chief en le pays eiant le poair roial & sur ceo eit licence de la dit chifteyne tesmoigne desoubz son seal & la cause de sa licence. Et qi issint moustree de recorde & veigne saunz lettres testimonialx de le chifteyn come desuisdit deins son terme de pardecea qe les mairs bailliffs & autres ministres du Roy de quel port ou lieu en qi il ou ils arrivount eient auctorite de eux mettre en arest & de eux la garder tanqe de eux soit enquiz & sil poet estre trove par enquerre devaunt justices de la peas & proevez qils ount issint monstrez de recorde & departiez a lour capitains desuisditz saunz licence come est desuisdit qe adonqes ils soient puniz come felons.

" so many Inconveniencies, which cannot easily be expressed, as of long Time the Experience hath shewed, and the which Soldiers so doing, as much as in them was, decayed the Honour and Reverence of the King, and have been many Ways great Causers of the Losses which have ensued in his Lands and Seignories beyond the Sea, and the Adventure also of the Persons of the Lords and Captains which did conduct them."

' II. The same King considering the Premisses, and willing against such Inconveniencies and Damages to provide a Remedy, hath ordained by the Authority aforesaid, That every Man so mustering and receiving the King's Wages, which departeth from his Captain within his Term, in any Manner aforesaid, except that notorious Sickness or Impediment by the Visitation of God (which may reasonably be known) suffer him not to go, and which he shall certify presently to his Captain, and shall repay his Money, so that he may provide him for another Soldier in his Place, he shall be punished as a Felon; and that the Justices of Peace shall have Power to inquire thereof, and to hear and determine the same. And likewise hath ordained by the same Authority, That no Soldier, Man of Arms, or Archer, so mustered of Record, and going with his Captain beyond the Sea, shall return into *England* within the Term for which his Captain hath retained him, nor leave his Captain there in the King's Service, and in Adventure of the War, except that he hath reasonable Cause shewed by his Captain, and by him to the chief in the Country having Royal Power, and thereupon shall have Licence of the said * *Captain*, witnessed under his Seal, and the Cause of his Licence. And who that so doth Muster of Record, and come without Letters Testimonials of the † *Captain* (as is said) within his Term on this Side the Sea, that the Mayors, Bailiffs, and other the King's Ministers, at what Port or Place they shall arrive, shall have Authority to put them in Arrest, and them there to keep until it be of them inquired; and if it be found by Inquiry before Justices of Peace, and proved that they have so mustered of Record, and departed from their Captains aforesaid without Licence, as afore is said, that then they shall be punished as Felons.'

It is Felony for a Soldier to leave his Captain without Licence. Enforced by 2 & 3 Ed. 6. c. 2.

7 H. 7. c. 1. 6 Co. 27. 9 Ed. 4. f. 26.

* *Chieftain.*

Chief Officers of Ports, &c. shall arrest Soldiers returning from beyond the Sea, and detain them until the Cause of their Return be tried. Regist. 191. 2 R. 2. stat. 1. c. 4. 4 & 5 Ph. & M. c. 3. Extended to Mariners and Gunners by 5 El. c. 5. s. 27. 43 *El. c.* 3. 31 *Car.* 2. *c.* 1. 12 *Ann. stat.* 1. *c.* 13. 1 *Geo.* 1. *c.* 47. 3 *Geo.* 1. *c.* 2. 22 *Geo.* 2. *c.* 44. 33 *Geo.* 2. *c.* 6, 8, & 18. *And see the yearly Acts against Mutiny and Desertion.*

† *Chieftain.*

Statutes made at Westminster, Anno 20 Hen. VI. *and* Anno Dom. 1442.

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NOSTRE Seignur le Roy a son parlement tenuz a Westm' le jour de Conversion de Seint Paule le xxv. jour de Januar' lan de son regne xx^e^ a lonour de Dieu & pur le bien de luy & son Roialme de ladvis & assent des Seignurs espirituelx & temporelx & a la especial

" OUR Lord the King, at his Parliament holden at *Westminster*, the Day of the Conversion of St. *Paul*, the Five and twentieth Day of *January*, the Twentieth Year of his Reign, to the Honour of God, and for the Weal of him and of his Realm, by the Advice and Assent of the Lords Spiritual

" Spiritual and Temporal, and at the ſpecial Re-
" queſt of the Commons in the ſame Parliament aſ-
" ſembled, hath made, ordained, and eſtabliſhed di-
" vers Statutes and Ordinances in the Form fol-
" lowing."

Ex Rot. in Turr. Lond.

requeſt des Communes en meſme le parlement aſſembleez ad fait ordeigner & eſtableir diverſez eſtatuitz & ordinaunces en la fourme qenſuit.

CAP. I.

All Letters of Safe Conducts ſhall be inrolled in the Chancery.

Miſchiefs ariſing from the Non-inrollment of Letters of Safe Conduct.

" FIRST, Whereas poor Merchants of this
" Realm daily be robbed by the King's Ene-
" mies upon the Sea, and in divers Rivers and
" Ports within the ſame Realm, of their Ships, Goods,
" and Merchandiſes, of great Riches, and their Bo-
" dies taken and impriſoned with great Dureſs, and
" put to great Fines and Ranſoms, and the King's
" poor Subjects dwelling nigh the Sea-coaſts taken out
" of their own Houſes, with their Chattles and In-
" fants upon Land, and carried by the ſaid Enemies
" where it pleaſe them; which Miſchiefs come by
" reaſon that the ſaid Merchants be diſcouraged with
" Force and Puiſſance of Ships, and of People defen-
" ſible, to keep the Sea and the Coaſts of the ſame,
" for that the Ships, Goods, and Merchandiſes by
" them taken from the ſaid King's Enemies, be ſome-
" times claimed by the King's Enemies, by Colour of
" Safe Conducts not duly purchaſed, nor of Record
" inrolled, ſo that the King's Subjects may have No-
" tice of them, and ſometime be claimed by Mer-
" chants Strangers of the King's Amity, to be belong-
" ing to them, by Colour of falſe Witneſſes of their
" Nation, and by Letters of Marque and Charters
" party by them counterfeited, and by ſuch Proofs
" upon ſuch Claims be reſtored to the ſame Goods
" and Merchandiſes often taken in Ships and Veſſels
" belonging to the King's Enemies, and the ſaid
" King's Subjects put to great Vexation, and Loſs of
" their own Goods, whereby the ſaid King's Ene-
" mies be greatly enriched, and their Navy ſtrongly
" increaſed, and the Navy and Merchandiſe of the
" ſaid Realm of our Lord the King greatly diminiſh-
" ed, and ſuch Damages and Inconveniences daily be
" likely to increaſe and come to the ſaid Realm of our
" ſaid Lord the King, if ſpeedy Remedy in this Caſe
" be not provided:

All Letters of Safe Conduct, not inrolled in Chancery, to be void.
28 H. 6. c. 8.

" II. Our ſaid Lord the King conſidering the Pre-
" miſſes, and that if People of the King's Amity be
" feared and diſcouraged to freight the Ships and
" Veſſels of the King's Enemies and Adverſaries, their
" Navy in Time to come will be decreaſed and di-
" miniſhed, and the Navy of the King's Subjects and
" Friends increaſed and inlarged;" 'by the Advice and
' Aſſent aforeſaid, and at the ſpecial Requeſt of the
' ſaid Commons, to eſchew the Miſchiefs aforeſaid,
' hath ordained by Authority of the ſaid Parliament,
' That all Letters of Safe Conduct to be granted to
' the King's Enemies and Adverſaries, or any other
' People whatſoever, ſhall be inrolled in the Chancery
' of our ſaid Lord the King of Record, before that
' any ſuch Letters ſhall be in any wiſe delivered to
' them to whom the ſame Letters ſhall be granted;
' and that all ſuch Letters of Safe Conduct hereafter
' to be granted, not inrolled of Record in the ſaid
' Chancery, before the Delivery to them to be made
' in the Manner as is ſaid, ſhall be void, and of no
' Force nor Effect.

PRimerement come poverez merchantz diceſt Roialme de jour en autre ſount diſrobbes par les enemys du Roy ſur le mer & deins meſme le Roialme de lours niefs & biens & merchaundiſes de graunde richeſſe & lour corps priſez empriſonez ove graunde dureſſe & myz a graunde finaunces & raunſon & les poverez lieges du Roy demurantz pres les coſtes du meer hors de lours propre meaſon ove lour chateux & enfauntz ſur le terre priſez & ove les ditz enemys ou lour pleſt ameſnez queux meſchiefs veignent pur ceo qe les ditz merchauntz ſount diſcoragez ove force & puiſſans de niefs & de gents defenſibles de gardier le meer & les coſtes dicell a cauſe qe les niefs biens & merchandiſes par eux priſez des ditz enemiz du Roy ſount aſcun foitz claimez par les enemys du Roy par colur de ſaufconducts nient duement purchacez ne de recorde enrollez enſy qe les ſubgetz du Roy purrount aver notice de eux & aſcun foitz ſount claymez par marchantz eſtraungez del amiſte du Roy deſtre a eux appurtenauntz par colour de teſmoignez meins verrois de lour nation & par merches lettres & chartres parte par eux countrefaitz & per tielx provez ſur tielx claimes ſount reſtorez a meſmes les biens & merchandiſes treſſovent foitz priſez en niefs & veſſelx appurtenauntz a les enemyes du Roy & les ditz enemyz du Roy graundement ſount enrichez & lour navie fortement encrece & la navie & merchandiſe du dit Roialme noſtre dit Seignur le Roy grevouſment amenuſez & tielx damages & inconvenientiſez de jour en autre ſount veriſemblable dencrecer & avenere a dit Roialme.

Noſtre dit Seignur le Roi conſideraunt les premiſſes & qe ſi gentz del amiſtee du Roy eient pavoire & diſcorage daffretter les niefs & veſſelx de les enemyes & adverſaries du Roy lour navie en temps avenir ſerra decreſſe & amenuſe & la navie des ſubgitz & amyez du Roy encreſſe & enlarge del advys & aſſent deſuiſdit & a leſpeciale requeſt des ditz Communes pur eſchewer les myſchiefs ſuiſditz ad ordeigne par auctorite du dit parlement qe toutz lettres de ſaufconduit a grauntierz a les enemys adverſaries du Roy ou autre gentz qeconqes ſoient enrollez en la Chauncerie du Roy de recorde avaunt qe tielx lettres ſerrount grauntez & qe toutz tielx lettres de ſaufconduct en apres a grauntiers nient enrollez de recorde en la dit Chauncerie avaunt le livere a eux affaire en la manere come eſt dit ſoient voidez & de null force & effect.

Et

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Et enoutre ſi en apres aſcuns biens ou merchandiſes ſoient priſez par les ditz ſubgitz du Roy ſur le meer ou les coſtes dicell chargez en aſcun nief ou autre veſſell qeſt appurtenaunt a les enemiz ou adverſaries du Roy pur le temps eſteauntz nient eiantz lettres de ſaufconduitz ſuffiſauntz en la fourme ſuiſdit enrolles qe ceux qi meſmes les biens & merchandiſes enſy prenderount les enjoyent ſaunz aſcun reſtitution ent affaire en aſcun manere a qeconqe perſone meſmes les biens & merchandiſes enſy priſez al temps del prys de ycells ou devaunt furent appurtenauntz.

Purveu toutz foitz qe ſi les ditz ſubgitz du Roy preignantz tielx nieſs chargez ove merchandiſes nient eiantz & monſtrantz tielx lettres de ſaufconduit deins meſmes les nieſs al temps del dit pris les ameſnent par force a un certein port ou lieu deins le dit Roialme ne ſoient endamagez en lour perſon ne biens pur tielx pris ſils ſoient preſtez a faire plein reſtitution de meſmes les nieſs & merchandiſes dedeins temps reſonable apres ceo qe plein notice eſt fait a eux de lettres de ſaufconduct ſuffiſauntz pur meſmes les nieſs & merchandiſes enrollez en la dit Chauncerie de recorde devaunt le pris de yceux. Purveu auxi qe ceſt ordinaunce comence a tenir ſon force a le feſte de ſeint Michell larchaungell proſchein avenir.

'III. And moreover, if hereafter any Goods or Merchandiſes be taken by the ſaid Subjects of our Lord the King upon the Sea, or the Coaſts of the ſame, charged in any Ship or other Veſſel, which is belonging to the Enemies or Adverſaries of our Lord the King for the Time being, not having ſufficient Letters of Safe Conduct inrolled in the Form aforeſaid, that they which ſo ſhall take the ſame Goods and Merchandiſes ſhall them enjoy without any Reſtitution thereof to be made in any wiſe, to whatſoever Perſon the ſame Goods and Merchandiſes ſo taken, at the Time of the taking of the ſame, or before, were belonging.

Prizes of Goods or Merchandiſes taken from the King's Enemies not to be reſtored, unleſs Letters of Safe-Conduct are inrolled before their Apprehenſion.

'IV. Provided always, That the Subjects of our Lord the King, taking ſuch Ships charged with Merchandiſes, not having nor ſhewing ſuch Letters of Safe Conduct within the ſame Ships at the Time of the ſaid taking, and bringing them by Force to a certain Port or Place within the ſaid Realm, ſhall not be endamaged in their Perſon or Goods for ſuch taking, if they be ready to make full Reſtitution of the ſame Ships and Merchandiſes, within reaſonable Time, after that full Knowledge is made to them of ſufficient Letters of Safe Conduct for the ſame Ships and Merchandiſes, inrolled in the ſaid Chancery of Record before the taking of them. Provided alſo, That this Ordinance ſhall begin to hold his Force at the Feaſt of Saint *Michael* the Archangel next coming.'

Proviſo for the Indempnity of the Mariners, and the Proof of the Inrollment.

Farther provided for by 31 *H.* 6. *c.* 4. *and confirmed by* 14 Ed. 4. c. 4.

CAP. II.

No Perſon outlawed within the County of *Lancaſter* ſhall forfeit any Goods or Lands but thoſe which he hath in the ſame County. 9 H. 5. c. 2. 18 H. 6. c. 13.

Rep. 33 H. 6. c. 2. EXP. 31 H. 6. c. 6.

CAP. III.

It ſhall be High Treaſon for *Welſhmen* to take and carry away *Engliſhmen* or their Goods into *Wales*, or there to withhold them. *See Appendix.*

CAP. IV.

What Duties they ſhall pay to the King which carry Wools to any other Place than to the Staples. OB.

CAP. V.

No Cuſtomer, &c. ſhall have a Ship of his own, uſe Merchandiſe, keep a Wharf or Inn, or be a Factor.

ITEM come al parlement tenuz a Weſtm' lan de regne du Roi HENRI le quart xj. ordine fuiſt & eſtablie qe null home qi tient commune hoſtrerie en aſcun citee ou burgh diceſt Roialme ſoiet cuſtumer controullour ne ſercheour & ceo pur eſchuer les damages & prejudices qi dent purront acreſcier par le favour qe tielx communes hoſtelers purroient & veudroient faier as marchauntz & as autres lour hoſtes en lour offices. Et jatarde divers cuſtumers countrollers & auxi ſercheours countrollours & ſurveiours des ſercheours ount divers hommes pur eſtre lour clerkes deputes & miniſtres en lour ditz offices des queux clerkes deputes & miniſtres aſcuns ount nieſs de lours propres & aſcuns eux intromittent del frette des nieſs auxint achatent & vendount diverſes merchaundiſes & ount & occupiount a lour propre oeps

"ITEM, Whereas in the Parliament holden at *Weſtminſter* the eleventh Year of the Reign of King HENRY the Fourth, it was ordained and ſtabliſhed, That no Man that had a common Hoſtry in any City or Borough of this Realm, ſhall be Cuſtomer, Controller, nor Searcher, and that to eſchew the Damages and Prejudices which thereof may grow, by the Favour that ſuch common Hoſtlers may and will make to Merchants, and to other their Gueſts in their Offices: And now of late divers Cuſtomers, Controllers, and alſo Searchers, Controllers, and Surveyors of Searchers, have divers Perſons to be their Clerks, Deputies, and Miniſters in their ſaid Offices, of which Clerks, Deputies, and Miniſters, ſome have Ships of their own, and ſome of them meddle with the Freighting of Ships, and alſo buy and ſell divers Merchandiſes,

11 H. 4. c. 2. The Cauſe why a common Hoſtler ſhall not be a Cuſtomer, Controller, or Searcher.

14 *R.* 2. *c.* 10. 17 *R.* 2. *c.* 5. 1 *H.* 4. *c.* 13.

" diſes, and thereof occupy to their own Uſe divers " Wharfs and Keys, being by the Water's Sides, " where common Diſcharge of divers Merchandiſes " is had in divers Ports of this Realm, by the which " as well great Deceit and Damages daily do grow to " the King of his Cuſtoms and Subſidies, as a great " Loſs to Merchants repairing to the Ports where the " ſaid Clerks, Deputies, and Miniſters occupy the " ſaid Offices. Of which Clerks, Deputies and Mi- " niſters alſo many hold Hoſtries and Taverns, and " alſo keep Wharfs, and they and their Servants be " Factors and Attornies for Merchants, Denizens, " and Aliens, by which great Damage and Loſs " daily doth grow to the King in his Cuſtoms and " Subſidies, by Favour that ſuch Clerks, Deputies, " and Miniſters holding ſuch Hoſtries, Taverns, and " Wharfs, do to Merchants and to other their Gueſts " in the ſaid Offices, and greater Damage is like " thereof to grow in Time to come, if ſpeedy Re- " medy be not provided:" 'Our ſaid Lord the King, ' willing againſt ſuch Damages and Loſſes to provide ' a Remedy in this Behalf, hath ordained and eſta- ' bliſhed by Authority aforeſaid, That no Cuſtomer, ' Controller of the Cuſtom, Clerks, Deputies, Mi- ' niſters, nor their Servants, Factors, nor Searchers, ' Controllers or Surveyors of Searches, nor their ' Clerks, Deputies, Miniſters, or Factors ſhall have ' any Ships of their own, or ſhall buy or ſell by Way ' or by Colour of Merchandiſe, nor they ſhall not ' meddle with Freighting of Ships, or have or occupy ' any ſuch Wharfs or Keys, or ſhall hold any Hoſtries ' or Taverns, or ſhall be any Factors or Attornies ' for any Merchant, Denizen, or Alien, nor ſhall ' be Hoſts to any Merchant Alien, upon the Pain of ' xl. li. to be forfeit as often as they do the contrary, ' that is to ſay, the one Half to the King, and other ' Half to him that will ſue in this Caſe againſt ' any ſuch Perſon doing the contrary. This Ordi- ' nance to begin at the Feaſt of Saint *Michael* next ' coming.'

See 31 *H.* 6. *c.* 5. *and* 18 *El. c.* 9. *which put Cuſtomers, &c. under farther Reſtrictions.*

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diverſe wherwes & keyes eſteantz par les ripes del ewe lou commune diſcharge des merchaundiſe eſt eue en diverſe portz diceſt Roialme par qe ſibien graunde deceit & damage journement acreſ- cent au Roy de ſez cuſtume & ſubſidees come graunde perde as marchauntz repairauntz a les portz ou les ditz clerks deputees & miniſtres occupient les ditez offices des queux clerks de- putees & miniſtres auxi pluiſours teignent hoſtries & tavernes & auxi gardent wharves & eux & lour ſervitours ſount factours & attournes pur merchauntz deinſins & aliens par qe grandes da- mages & perdes journement accreſcent au Roy en ſez cuſtume & ſubſidies par le favour qe tielx clerkes deputes & miniſtres tiels hoſtries taverns & wharves teygnauntz facient as marchauntz & as autres lours hoſtes en les ditz offices & pluis greindre damages eſt ſembleable dent accreſcier en temps avenir ſi haſtif remedie ne ſoient purvieu. Noſtre dit Seignur le Roy voillant encountre tielx damages & perdes purvoier de remedie en ceſt par- tie ad ordeigne & eſtablie par lauctorite ſuiſdit qe null cuſtumer ne countroller de la cuſtume clerks deputes ou miniſtres ne lour ſervauntz ou factours ne ſercheours countrollours ou ſurveiours des ſerches ne lours clerkes deputes miniſtres ou factours eient aſcuns niefs de lour propres ou ac- chatent ou vendent par voie ou par colour de mer- chaundiſe ne eux entremittent de frett de niefs ou eient ou occupient aſcuns tielx wherves ou keyes ou teignent aſcuns hoſtries ou tavernes ou ſoient aſcuns factours ou attournes pur aſcun marchaunt deniez ou alien ne ſoient hoſtes a aſcun marchaunt alien ſur le peine de xl. li. deſtre forfait ſi ſovent coment ils ſount la contrarie ceſtaſſavoir lune moite au Roy & a celuy qe voet ſuer en ceſt cas envers aſcun tiel perſone faiſant le contrarie lautre moite. Ceſt ordinaunce a commencer a le feſt de ſeint Michell proſchein avenier.

CAP. VI.

EXP. A Confirmation for ten Years of the Statute of 15 HEN. 6. *cap.* 2. touching the Tranſportation of Corn being of certain Prices.

CAP. VII.

EXP. If any carry Merchandiſes into *Wales*, and after bring them into *England* not cuſtomed, he ſhall forfeit them.

CAP. VIII.

In what Caſe the King's Purveyors that would take Cattle, may be reſiſted.

ITEM ordeignez eſt par lauctorite deſuiſdit qe les eſtatuitz devaunt cez heures faitz des pourveours & achatours ſoient tenuz & gardes & myz en due execution. Et en cas qe aſcun purveour achatour ou parnour voille preigner ou faier purveance ou achate daſcun choſe a le value de xl s. ou dedeins daſcun perſone & ne face preſt paiement en poyn qe adonqes bien liſe a cheſcun des lieges le Roy lours biens & cha- teux reteigner & tielx purveours ou parnours reſiſter & en null manere eux ſuffrer de faire tielx purveances achates ou priſes. Et pur la peas meux a eſtre garde qe cheſcun conſtable tythyngman ou chief plegge de cheſcun ville ou hamell ou tielx priſes ou purveances ſe ferront ſoient eidant & aſſiſtant a le poſſeſſour ou vendour de tielx choſes encountre la fourme de ceſt ordinance apprendrez de faire reſiſtence en la fourme ſuiſdit en cas qe tielx conſtable tythyngman ou chief plegge a ceo faire ſoit requiz ſur peine de rendre a la partie enſy greve la values de choſes enſy priſez ove ſes damagez au double. Et qe null des lieges du Roy ſoit myz en parde fyne raunceon ou contempt ou endamage par le Roy ou par aſcun de miniſtres ou officers

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Ex Rot. in Turr. Lond.

pur tielx reteigners reſiſtences & non ſufferaunce. Et qe null des ditz miniſtres ou officers le Roy face areſter vexer ou empleder en la court del Marchalcie ou aillours aſcun des lieges pur tielx reteigners ou non-ſufferaunce affaire ſur peine de xx li.' a perdre lun moite de ceo al Roy & lautre moite a celuy qe voet en tiel cas ſuer. Et qe les juſtices de la peas en checun counte eient poer par auctorite de ceſt ordenaunce denquerer oier & determiner ſibien al ſuyt du Roy come de celuy qe voet ſuer daſcun choſe fait encountre ceſt ordenaunce & de ent faire due puniſhement & execution & agarder damages a la partie pleintif quant aſcun defendant ent ſoit duement convict. Et qe en checun action ſur ceſt ordenaunce apprendre cheſcun partie defendant ſoit a ceo mys a reſpoundre ſaunz eide de Roy. Et qe en tielx actions apprendrez ſoit proceſſe fait come en brief de treſpas fait encountre la peas. Et qe en cheſcun commiſſion as purveours achatours ou pernours affaire ſoit ceſt ordenaunce contenue & expreſſe. Et en outre qe ceſt ordenaunce entre autres eſtatutz des purveours devaunt ces heurez faitz ſoient maundez en cheſcun counte dEngleterre as viſcountz de ceux purclaymer les ditz ordenances & eſtatutz en les fourme & manere contenuz en leſtatuit des purveours & achatours fait lan du regne noſtre dit Seignur le Roy primer ſur peine contenuz en meſme leſtatuit. Et outre ceo le Roy voet & commaunde qe leſtatuit fait lan xxxvj^e. du Roy EDWARD jadys Roy dEngleterre tierce apres le conqueſt toucheant purveours dautres perſones qe de Roy ſoit mys en due execution.

36 Ed. 3. c. 6.
1 H. 6. c. 2.
2 H. 4. c. 14.

c. 24. but ſee 13 Car. 2. ſtat. 1. c. 8. 13 & 14 Car. 2. c. 20. and likewiſe the yearly Mutiny Acts.

CAP. IX.

The Order of Trial of Counteſſes, &c. being indicted of Treaſon, &c.

ITEM come contenue ſoit en la Graunde Chartre entre autres en la fourme qenſuyt: 'Nullus liber 'homo capiatur aut impriſonetur aut diſſeiſiatur de 'libero tenemento ſuo aut libertatibus aut liberis 'conſuetudinibus ſuis aut utlagetur aut exulet aut 'aliquo modo deſtruatur nec ſuper eum mittemus 'nec ſuper eum ibimus niſi per legale judicium pa-'rium ſuorum vel per legem terre.' En quele eſtatuit neſt my mention fait coment femmes dames de graunde eſtate par cauſe de lour barons peres de la terre covertez ou ſoulez ceſtaſſaver Ducheſſes Counteſſes ou Baroneſſes ſerront mys a reſponder ou devaunt queux Juges els ſerront juggez ſur enditementz de treſons ou felonies par eux faitz a cauſe de quell il eſt une ambiguite & doute en la ley devaunt queux & par queux tielx dames iſſint enditez ſerront myſez a reſpondre & eſtre adjuggez. Noſtre dit Seignur le Roy voillant ouſtier tielx ambiguitees & doutes ad declare par lauctorite deſuiſdit qe tielx dames iſſint enditez ou en apres a enditerz de aſcun treſon ou felonie par eux faitz ou en apres affairez coment qe eles ſoient covertez de Baron ou ſoules qe eles ent ſoient meſnez en reſponſe & mys a reſpondre & adjuggez devaunt tielx Jugges & peres de le Roialme ſicome autres peres de le Roialme ſerroient ſils fuiſſent enditez ou empeſchez de tielx treſons ou felonies faitz ou en apres affairez &. en autiel maner & fourme & en null autre.

"ITEM, Whereas it is contained in the Great Charter, amongſt other Things, in the Form which followeth: No Freeman ſhall be taken or impriſoned, or diſſeiſed of his Freehold, or his Liberties, or free Cuſtoms, or ſhall be outlawed or baniſhed, or in any wiſe deſtroyed, nor We will go upon him, nor ſend upon him, but by the lawful Judgment of his Peers, or by the Law of the Land; in which Statute is no Mention made how Women, Ladies of great Eſtate, in reſpect to their Huſbands, Peers of the Land, married or ſole, that is to ſay, Ducheſſes, Counteſſes, or Baroneſſes, ſhall be put to anſwer, or before what Judges that they ſhall be judged upon Indictments of Treaſons, or Felonies by them committed or done, in Regard whereof it is a Doubt in the Law of *England*, before whom, and by whom ſuch Ladies ſo indicted ſhall be put to anſwer, and be judged;" 'our ſaid Lord the King, 'willing to put out ſuch Ambiguities and Doubts, 'hath declared, by Authority aforeſaid, That ſuch 'Ladies ſo indicted, or hereafter to be indicted, of 'any Treaſon or Felony by them done, or hereafter 'to be done, whether they be married or ſole, that 'they thereof ſhall be brought to anſwer, and put to 'anſwer, and judged before ſuch Judges and Peers of 'the Realm, as other Peers of the Realm ſhould be, if 'they were indicted or impeached of ſuch Treaſons 'or Felonies done, or hereafter to be done, and in 'like Manner and Form, and none otherwiſe.'

Magna Charta cap. 29.
6 Co. 52.

CAP. X.

Four Wardens of the Worſted Weavers of *Norwich* appointed yearly to inſpect and regulate the Worſted in that City, and two in *Norfolk*. The Length and Breadth of all Sorts of Worſteds made in *Norwich* and *Norfolk* aſſigned.

EXP.
23 H. 6. c. 3.
7 Ed. 4. c. 2.

CAP. XI.

A Repeal of ſo much of the Statute of 2 HEN. 5. *Stat.* 1. *cap.* 6. as making the breaking of Truce and Safe Conducts High Treaſon.

EXP.

CAP. XII.

A Reformation of the Partition of Money ariſing by the Sale of Woolls and Woollfels by the Mayor and Conſtable of *Calais*, ordered for ſeven Years. *See Appendix.*

Statutes

Statutes made at Weſtminſter, Anno 23 HEN. VI. *and* Anno Dom. 1444.

"AT the Parliament holden at *Weſtminſter* the Twenty-fifth Day of *February*, the Twenty third Year of the Reign of King HENRY the Sixth after the Conqueſt, the ſame our Lord the King, by the Advice and Aſſent of the Lords Spiritual and Temporal, and the Commons being in the ſaid Parliament, by the Authority of the ſame Parliament, made to be ordained and ſtabliſhed divers Ordinances and Statutes in the Manner and Form following."

Cotton *MS. Nero*, C. 1.

EN parlement tenuz a Weſtm' le xxv jour de Feverer lan du reigne noſtre Seignur le Roi HENRY le vi. apres le conqueſt xxiii. meſme noſtre Seignur le Roi del advys & aſſent de les Seignurs eſpirituelx & temporelx & les Communes eſteantz en le dit parlement & par auctorite de meſme le parlement, fiſt ordeigner & eſtablier diverſez ordeignauncez & eſtatutz en le maner & fourme que enſuiſt.

CAP. I.

A Confirmation of the Statute of 36 *Edw.* 3. *ſtat.* 1. *c.* 2. and other Statutes, touching the King's Purveyors.

36 Ed. 3. *ſtat.* 1. *c.* 2.

PRimerement come en le parlement tenuz lan xxxvi. le Roy E. le tierce, ſur lez grevouz compleintz faitz ſur purveours dez vitailles, eſtoit ordeigne & eſtablie, que null home diceſt Roialme averoit pris, forſque ſoulement le Roi & la Roigne ſa compaigne: Et qe ſur tielx purveauncez affairs pur lez hoſtielx le Roy & la Roigne, ſerroit preſt paiement fait en poigne, ſcilicet le price pur quele autielx vitailles ſerroient venduz communement en marchez environ. Et qe lez heinous nouns dez purveiours ſerroient chaungez & nommez achatours; & ſi lachatour ne purroit bonement accorder ove le vendour de ceo que buſoigneroit, adonques lez priſez que ſe ferroient pur lez ditz deux hoſtielx ſerroient faitz per viewe & teſmoignaunce & appreciation dez Seignurs ou Baillifs & Conſtablez & quatrez prodez hommez de cheſcun ville, & ceo per endenture affaire per entre lez achatours & lez ditz Seignurs ou Baillifs Conſtablez ou quatre hommez, conteignauntz le quantitie de lour priſe, & la price, & de lez queux perſonez. Et que lez priſez ſerroient faitz en covenable & eaſe manere, ſaunz duras, reddour, manaſſe, ou autre vilanie. Et que lez priſez & achatez ſerroient faitz en lieux & placez ou greindre pleinte y ad, & ceo en temps covenable. Et que pluis ne ſerroit priſe, que ne buſoigne en ſa ſeaſon pur lez ditz hoſtielx. Et que la nombre dez ditz achatours ſerroient amenuſez en taunt come homme purra bonement. Et que tielx ſerroient achatours, que ſerroient ſufficeantz de reſpondre a Roi & a poeple. Et que null de eux averoit depute. Et que lez Commiſſions ſerroient enſealez du graund ſeal & cheſcune di. an reſtituitz en la Chauncerie, & autres de novelle faitz, & qe en lez ditz Commiſſions ſerrount compriſez tout la matier & manere de lour priſez & achatez. Et que null homme ſerroit tenuz dobeier as achatours dautres Seignurs countre lour gree & voluntee; ne lez achatours dez ditz hoſtielx, ſils ne firent preſt paiement en poigne, come devaunt eſt dit. Ne que null homme ſerroit mys en contempt pur cauſe de diſobeiſaunce faite en tiel partie. Et que lez priſez dez toutz maners dez blees & brees pur lez ditz deux hoſtielx ſerroient meſurez per meſure accordaunt al eſtandard, raſe & nient comble. Et que pur lez cariagez dez ditz bleez & breez, & pur toutz autres maners dez priſez & achatez affairez pur lez ditz deux hoſtielx, ſerroit preſt paiement fait en poigne en meſme la manere come pur priſez & achatz ſuiſditz. Et que pluis de cariage ne ſerroit pris, qe ne buſoigne, & ſerroit neceſſarie en cell partie. Et ſi null achatour face aſcuns priſez, ou achatez, ou pernour de cariage, en autre manere, que neſt compriſe deinz lour Commiſſions, averoit puniſhement de vie & de membre, come en autre eſtatut eſt ordeigne dez purveiours. Item que null achatour dez vitaillez, ne pernour de cariage, preigne ne reſceive de nulluy don ne autre bienfait pur diſporte faire, ne charge ne greve null homme pur cauſe dez ditz priſez achatez & cariagez, pur haiour, enemyte, male volunte, & procurement: & ſil face, & de ceo ſerroit atteint al ſuite de partie; rendra a la partie ſez damages a treble, & averoit la priſone de deux ans, & ſerroit reint a la volunte le Roi, & puis forjure la Court. Et ſi la partie ne verroit ſuer, averoit celluy que le voudra ſuer pur le Roi le tierce denier de ceo que ſerra recovere pur ſon travaille, & nientmeyns averoit lachatour & pernour la penaunce come devaunt eſt dit en meſme cell article. Et que cheſcune achatour ſur ſon accompt ferroit declarer & diſtinguer ſeveralment toutz ſes priſez & achatez de cheſcune Countee ville & perſone. Et noſtre dit Seignur le Roy qoreſt, conſiderant lez premiſſez, ad ordeigne & commaunde, per lauctorite de ſon dit Parlement, qe lez ditz eſtatutz deſore enavaunt ſoient duement gardez, & mys en execution. Et ouſtre ceo ad ordeigne per meſme lauctorite, que cheſcune purveiour & achatour, devaunt qil eit aſcun Commiſſion, ſerra ſerement en la Chauncerie, qil ne prendra rien de la poeple a contrarie dez ditz ordeignauncez. Et ouſtre, pur ceo que lez povers gentz ne ſount de power, ne ne oſent, faire reſiſtence envers lez ditz purveiours & achateurs, ne eux ſuer per la ley, coment qils ſount a contrarie as ditz eſtatutz; ad ordeigne per meſme lauctorite, que lez ditz appreiſours, & auxint tout la ville ou villez adjoignauntz, ſi buſoigne ſoit, ſoient tenuz de faire lour devoir & poier, de reſiſter lez ditz achatours & purveiours, a faire a contrarie de lez ditz eſtatutz, & en tant come en eux eſt, dexecuter lez ditz eſtatutz ſur meſmez lez purveiours, ſils ſoient requis. Et que celluy que eſt greve de ſes biens

The former Statutes of Purveyors confirmed.

Purveyors to be ſworn.

Who may oppoſe the Purveyors acting illegally.

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biens priſez, a contrarie dez ditz ordeignauncez & eſtatutz, purra eſlier davoir action de dette envers lez ditz appreiſours ville ou villez, & cheſcune de eux, que ne fount lour devoir en reſiſtence dez ditz purveiours ou achatours en la fourme avauntdit quaunt ils ſount requis, ou autrement envers lez ditz purveiours & achatours & cheſcune de eux, a recoverer le treble value de ſez biens iſſint priſez, & ouſtre ceo ſez coſtagez & damages as treblez. Et ſi aſcun purveiour ou autre Officer noſtre Seignur le Roi face troubler ou vexer en le Marchalſie ou aillours aſcuns dez lieges noſtre dit Seignur le Roi, per aſcun manere ſuggeſtion, cauſe feyne, ymagine ou colour ſur eux, a cauſe dexecution dez ditz ordeignauncez; encourge la peyne de xx. li. a paier a la partie greve, ouſtre ſez damages & coſtagez en celle partie ſuſteignez; & qil avera ſur ceo briefe de dette. Et qe cheſcune iſſue triable en ceſt action ſerra trie en le Countee ou le priſe dez ditzs biens ſoy fiſt. Et que lez defendauntz en toutz lez ditz caſez ne ſoient admys de gager lour ley. Et ſoient mys a reſpons ſaunz fourcher. Et que eſſoin, eide du Roi, ne protection a eux ſoit allowe. Et que le ſergeaunt de lacaterie ſatisfiera toutz lez damages dettez & executions queux ſerrount recoverez vers cheſcune purveiour & achatour deſouth luy en toutz lez caſez ſuiſditz, en cas que le purveiour ou achatour ne ſoient ſufficient de ſatisfier. Et ait la partie pleignaunt ſcire facias daver execution vers le dit Sergeant en ceo cas, & qe ceſtz ordiegnauncez & eſtatuitz ſoient mys as lez juſtices de la peas en cheſcun Countee, de eux proclaymer cheſcune an, & dent enfourmer le poeple.

Two ſeveral Remedies for the Party wronged by the Purveyors.

The Serjeant of the Catery ſhall anſwer for the Damages, *&c.* of his inferior Purveyors. *Obſ. by* 12 *Car.* 2. *c.* 24. *But ſee* 13 *Car.* 2. *ſtat.* 1. *c.* 8. 13 & 14 *Car.* 2. *c.* 20. *and alſo the yearly Mutiny Acts.*

CAP. II.

Whoever ſhall pack or ſhip Thrums or Threads to paſs beyond the Seas, during three Years next coming, ſhall forfeit the ſame, or the Value.

EXP. 8 H. 6. c. 23.

CAP. III.

Four Wardens of Worſted Weavers ſhall be choſen yearly during Three Years next coming, within the City of *Norwich*, and other Four within the County of *Norfolk*, which ſhall ſet down Orders for the true making of Worſted within *Norwich*, and *Norfolk*, and *Suffolk*.

EXP. 20 H. 6. c. 10. 7 Ed. 4. c. 1.

CAP. IV.

Welſhmen indicted of Treaſon or Felony, that do repair into *Herefordſhire*, ſhall be apprehended and impriſoned, or elſe purſued by Hue and Cry, and a Forfeiture of thoſe which do not purſue them. *See Appendix.*

CAP. V.

A Rehearſal of the Statute of 15 HEN. 6. *c.* 2. touching Licence to tranſport Corn, when Wheat doth not exceed vi s. viii d. the Quarter, and Barley iii s. iv d. and the ſame Statute made perpetual.

ITEM come en parlement tenuz a Weſtm' lan du reigne le Roi qoreſt xv. pur la commune profit de tout le Roialme ordeigne fuiſt & eſtablie en la fourme qenſuiſt. Item pur ceo que per la ley eſt, que nulle homme poet carier ne meſner blees hors du Roialme dEngleterre, ſaunz licence du Roi, per cauſe de quele fermours & autres hommez qui uſent maynurement de lour terre, ne poient vendre lour bleez, ſinoun a bas pris, a graund damage de tout le Roialme. Noſtre Seignur le Roi, voillant en ceo cas purvoier de remedie, ad ordeigne per auctorite ſuiſdit, que bien lirra a cheſcune homme, eſkipper & carier toutz maners dez blees & greinez hors diceſt Roialme a queconque lieu que luy plerra, forſpris tantſoulement a lez enemyez noſtre Seignur le Roi, ſi ſovent, & tantlongement, que un quarter de frument ne excede pas le price de vi s. viij d. & un quarter dorge iij s. en ycelle porte lou frument & orge eſt tielment eſkippe; & ceo ſaunz aſcun licence ſuir pur ycelle; toutz autres ordeignauncez avaunt cez hoeurez faitz a contrarie nient obſtauntz. Purveu toutz foitz, que le Roi ſoit content de ſez cuſtumez & devers. Et durera ceſt ordeignaunce tanque al proſchein parlement. Et pur ceo que ceſt eſtatut neſt pas a ore en ſa force, & que pluſours counteez adjoignauntz a le mear ne poient vendre le ſubſtaunce de lour bleez, ſinoun per cariage & ameſner per la mear; Noſtre dit Seignur le Roi, conſiderant lez premiſſez, ad ordeigne per lauctorite de ſon dit parlement tenuz le dit xxv jour de Feverer, que leſtatut & ordeignaunce avaundit per lauctorite de meſme le parlement ſoit perpetuel, & en ſa force a toutz jours en apres.

Altered by 1 Jac. 1. c. 25. 21 Jac. 1. c. 28.

CAP. VI.

The Gathering of Head-pence by the Sheriff of *Northumberland* ſhall ceaſe.

ITEM come lez poverez communes & foialx liegez du Roy de ſon counte de Northumbr' ount eſte de longe temps oppreſſez & ſurchargez per lez viſcountz du dit countee pur le temps eſteantz, levauntz & facentz leve de lour biens &

" ITEM, Whereas the poor Commons, and the " King's faithful liege People of his County of *Nor-* " *thumberland*, have been of long Time oppreſſed and " ſurcharged by the Sheriffs of the ſaid County for the " Time being, levying or cauſing to be levied of their

" Goods

" Goods and Chattles, to the Sum of Sixty Pounds, " and more, called Head-pence, two Times in ſeven " Years, that is to ſay, every third Year, and every " fourth Year, to their own Avail, without any Ac- " count, Profit, or Advantage to the King, and with- " out any lawful Cauſe or Ground, but of their great " Extortion, which cauſeth divers Men to labour and " expend great Goods to be Sheriff, when the ſaid " Years come, to the great Oppreſſion of the ſaid " Commons;" ' Our Lord the King conſidering the ' Premiſſes, hath ordained and granted by the Au- ' thority aforeſaid, That the ſaid Gathering of the ſaid ' Head-pence ſhall be clearly put out for ever, any ' Uſe or Cuſtom to the contrary notwithſtanding, upon ' pain of C li. to be paid, the one half of the ſame ' to the King, and the other half to the Party which ' will ſue for the Forfeiture againſt the Sheriff. This ' Ordinance to begin at the Feaſt of the Nativity of ' St. *John Baptiſt*, which ſhall be in the Year of our ' Lord M. CCCC. xlvi.'

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chateux a la ſomme de lx li'. & pluis, appellez Hedepeniez, deux foitz en vij ans, ſcilicet cheſcune tierce an & cheſcune iiij^{e} an, a lour propre availle, ſaunz aſcune accompt, profit, ou availle a Roi, & ſaunz aſcun loial avyce ou foundement, ſinoun de lour graund extorſion, le quele cauſa diverſez hommez de laborer & expender graundez biens deſtre viſcount, quant lez ditz ans veignent, a le pluis greindre oppreſſion de lez ditz communes: Noſtre dit Seignur le Roy, conſiderant lez premiſſez, ad ordeigne & graunte per lauctorite ſuiſdit, que le dit collect de lez ditz hede penyez ſoit tout ouſtrement ouſtez pur toutz jours, aſcun uſe ou cuſtume eue a le contrarie nient obſtaunt, ſur payne de C li' deſtre paiez, lune moite dicelle a Roi, & lautre moite dicelle a la partie qui ſua la forfaiture envers le viſcount. Ceſt ordeignaunce a commencer a la feſt de la Nativite de Seint John le Baptiſte que ſerra en lan noſtre Seignur M. CCC. xlvj^{e}.

CAP. VII.

No Man ſhall be Sheriff, Under-Sheriff, *&c.* above a Year.

14 Ed. 3. ſtat. 1. c. 7. 1 Lutw. 193.

" ITEM, Whereas King EDWARD the Third, for " divers and ſpecial Cauſes, in his Parliament hold- " en at *Weſtminſter*, the *Wedneſday* next after *Midlent*, " the Fourteenth Year of his Reign, for that ſeveral " Sheriffs in divers Counties in *England* then being, " had their Offices, ſome for a Term of Years of the " King's Grant, and ſome truſting of longer Conti- " nuance in their Offices, by Procurement, *&c.* were " greatly encouraged, and did take upon them to do " many and divers Oppreſſions to the King's liege Peo- " ple, unduly, and evil, and falſly to ſerve the King " and his People, did ordain and ſtabliſh, That no " Sheriff ſhould tarry and abide in his Office above " a Year, and that then another meet and ſufficient " Man ſhould be aſſigned in his Place by the Chancel- " lor and Treaſurer of *England*, and the chief Baron " of the Exchequer, and other, every Year in the " Morrow of *All-Souls*, as it appeareth in the ſaid " Statute; and after the ſaid Statute ſo made, by " another Statute made at *Weſtminſter*, in the Parlia- 42 Ed. 3. c. 9. " ment of the ſaid King, holden the firſt Day of " *May*, the Forty-ſecond Year of his Reign, he or- " dained and made, That no Sheriff, or Under- " Sheriff, nor Sheriff's Clerk, ſhould tarry and abide " in his Office over one Year, as it is ordained by " other Statutes before this Time, as it appeareth " more plainly by the ſaid Statute of the ſame Forty- 1 R. 2. c. 11. " ſecond Year. And moreover, by another Statute " made at *Weſtminſter*, the Fifteenth of St. *Michael*, " the firſt Year of the Reign of King RICHARD the " Second, it was ordained and made, That no Man " which hath been Sheriff of any County by one " whole Year, ſhall be another Time choſen nor " put in the ſaid Office within Three Years next en- " ſuing, except that there be not other ſufficient " within the ſaid County, as it appeareth more plainly " by the ſaid Statute of King RICHARD. And " whereas in divers Counties in *England*, after the " making of the ſaid Statutes, many and ſeveral She- " riffs have been made, and have occupied within the

ITEM come le Roi E. le tierce, pur diverſez & notablez cauſez en ſon parlement tenuz a Weſtm' le meſkerdy proſchein apres le di.' quareſme lan de ſon reigne xiij^{e} pur cauſe que diverſez viſcountz en diverſez counteez dEngleterre adonques eſteauntz avoient lour officez, aſcuns pur terme dans de graunte du Roi, & aſcuns confiantz en pluis longe continuance en lour officez per procurement &c. furent graundement eſbaudez, & priſteront ſur eux, de faire pluſours & diverſez oppreſſions a le liege poeple du Roy meyns duement, & malement & fauxement ſervoient le Roi & ſon poeple; ordeigna & fiſt, que nulle viſcount demureroit ne expecteroit en ſon office ouſtre un an, & que adonques un autre covenable & ſufficient homme ſerroit ordeine en ſon lieu per le Chaunceller & Treſorer dEngleterre & le chief Baron del Eſchequer & autres cheſcune an en lendemayn dez toutz almez; ſicome il appiert en le dit eſtatut: Et apres cell eſtatut iſſint fait, per un autre eſtatut fait a Weſtm' en le parlement du dit Roi tenuz le prim' jour May lan de ſon reigne xlij ordeigna & fiſt, que null viſcount, ſouthviſcount, ne clerk de viſcount, demureroit ou expecteroit en ſon office ouſtre un an; ſicome eſt ordeigne per autres eſtatutz faitz devaunt celle temps; ſicome il pluis pleinement appiert per le dit eſtatut del xlij an. Et ouſtr' ceo per un autre eſtatut fait a Weſtm' en le xv de ſeint Michell lan du reigne du Roy RICHARD le ſeconde primer fuiſt ordeigne & fait, que nulle homme que avoit eſtee viſcount daſcun counte pur un entier an ne ſerroit eſlieu autrefoitz, ne mys en la dit office, deinz trois ans adonques proſcheinz enſuantz; ſinoun que ne ſoit aſcun autre ſufficeant deinz le dit countee; ſicome it pluis pleinement appiert per le dit eſtatut du Roy RICHARD: Et come en diverſez counteez dEngleterre apres la feſaunce dez ditz eſtatutz pluſours diverſez viſcountes ount eſtez faitz, & ount occupiez deinz les ditz counteez, aſcuns x. ans, & aſcuns

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aſcuns xij. ans, & pluis, a le graund damage du Roi qoreſt, ſez progenitours, & lour poeple deinz lez ditz counteez, contrarie a lez ditz eſtatutz, & tout autre bon rule, & veraie ſemblablement en temps avenir deſtre importable damage, overt diſheritaunce, & ſupportation domicidie & perjurre, & graund oppreſſion as pluſours du liege poeple du Roi, conſiderez lez graundez conſanguinite alliaunce les famulers des viſcountes, ſibien de ceux que ount eſtee devaunt ceſt temps, come de ceux que ore ſount en les ditz counteez: Noſtre dit Seignur le Roi, conſiderant les premiſſes, ad ordeigne per lauctorite ſuiſdit, que les eſtatutz devaunt recitez & cheſcun de eux ſoient duement obſervez en cheſcune countee dEngleterre, les Southviſcounts & touts les outres officers deinz la Citee de Loundres que ore ſount ou ſerrount tout temps excepts, & autielx countees tantſoulement exceptz, en queux divers de le liege poeple du Roi en loffice de viſcount a ceſt jour ſount enheritez, & auxint tielx perſones que ount eſtate de frank tenement en loffice de viſcount meſme ceſt jour & lettres patents a eux faitz del office de viſcount et lour Southviſcounts & Clerks excepts. Et ſi aſcun Viſcount ou Clerk de Viſcount occupia office de Viſcount, Southviſcount, ou Clerk de Viſcount, contrarie a aſcuns de les eſtatutz avaunt recitez, ou encountre leffect ou entent daſcun de eux, exceptz devaunt exceptz; que adonques ceſtuy que iſſint occupia, forfaira la ſomme de CC li. annuelment, auxi longement come il occupia contrarie al effect dez ditz eſtatutz. Et que cheſcune pardon en temps avenir deſtre fait pur tiel offenſe, occupation, ou forfaiture dez ſommez avaunt recitez, ſerroit voidez & nient advailablez; & toutz patentz, fait & affairs, de aſcun de les ditz offices pur terme dans, terme de vie, en fee ſimple, ou fee taille, a aſcun de lez liegez du Roi, exceptz devaunt exceptz, ſoient voidez & de null value per meſme lauctorite, aſcun clauſe ou parole de non obſtante en aſcun mys ou a mettre en tielx patentz deſtre fait nient obſtauntz. Et ouſtre ceo quiconque preſume ſur luy ou ſur eux, daccepter ou occupier la dit office de viſcount per vertue dautielx grauntez ou patentz ore affairez pur terme dans, a terme de vie, fee ſimple, ou fee taille, deſtoier diſable perpetuelment, & tout temps, deſtre ou porter loffice de viſcount deinz aſcun Countee en Engleterre per meſme lauctorite; & que cheſcune liege homme que vóet ſuer pur la dit ſomme forfait envers celluy ou ceux que en tiel manere forface ou forfacent ſerra reſceu & admys de ſuer action de dette en ſon propre noun, le Roy davoir lune moite de tout ceo que aveignera per icelle action deſtre recoverez per tiel ſuite, & celluy ou ceux qui iſſint purſuera ou purſueront daver lautre moite.

" ſaid Counties, ſome Ten Years, and ſome Twelve " Years, and more, to the great Damage of the King " that now is, his Progenitors, and their People within " the ſaid Counties, contrary to the ſaid Statutes, and " all other good Rule, and very like in Time to come " to be to their importable Damage, and open Diſheriſon, upholding of Manſlaughter, Perjury, and great " Oppreſſion to many of the King's liege People, con- " ſidering the great Conſanguinity, Alliance, and Fa- " miliars of the Sheriff, as well of them as have been " before this Time, as of them which now be in the " ſaid Counties;" ' our ſaid Lord the King, con- ' ſidering the Premiſſes, hath ordained by the Author- ' rity aforeſaid, That the Statutes before recited, and ' every of them, ſhall be duly obſerved in every County ' of *England*. (The Under-Sheriffs, and all other ' Officers within the City of *London*, which now be, ' or ſhall be, at all Times excepted; and ſuch Coun- ' ties only except, in which divers of the King's liege ' People be inheritable to the Office of Sheriffs at this ' Day, and alſo ſuch Perſons as have Eſtate of Freehold ' in the Office of Sheriffs at this Day, and except the ' Letters Patents made to them of the Office of Sheriffs, ' and their Under-Sheriffs and Clerks.) And if ' any Sheriff, or Under-Sheriff, or Sheriff's Clerk, ' occupy the Office of Sheriff, Under-Sheriff, or She- ' riff's Clerk, contrary to any of the Statutes afore re- ' cited, or againſt the Effect or Intent of any of them ' (except before excepted) that then he which doth ſo ' occupy, ſhall forfeit the Sum of CC li. yearly, as ' long as he occupieth contrary to the Effect of the ' ſaid Statutes; and that every Pardon hereafter ' to be made for ſuch Offence or Occupation, or For- ' feiture of Sums before recited, ſhall be void, and not ' available, and all Patents made, or to be made, of any ' the ſaid Offices for Term of Years, for Term of ' Life, or in Fee-Simple, or in Fee-tail, to any of ' the King's liege People, (except before excepted) ' ſhall be void, and of no Value, by the ſame Autho- ' rity, any Clauſe or Word of *Non obſtante* in any ' wiſe put or to be put in ſuch Patents to be made ' notwithſtanding. And moreover, whoſoever will ' take upon him or them, to have or occupy the ſaid ' Office of Sheriff, by Virtue of ſuch Grants or Pa- ' tents now to be made for Term of Years, for Term ' of Life, Fee-Simple, or Fee-Tail, ſhall ſtand for ' ever and at all Times diſabled to be or bear the Of- ' fice of Sheriff within any County in *England* by the ' ſame Authority. And that every liege Man which ' will ſue for the ſaid Sum forfeit, againſt him or them ' which in ſuch Manner doth forfeit or ſhall forfeit, ' ſhall be received and admitted to ſue an Action of ' Debt in his own Name; our Lord the King to have ' the one half of all that ſhall happen by the ſame ' Action to be recovered by ſuch Suit, and he or they ' that ſo purſue to have the other half.'

A Confirmation of the Statutes aforeſaid, that no Man ſhall be Sheriff above one Year, &c. 28 Ed. 3. c. 7.

The Penalty for occupying the Sheriffwick above one Year.

Altered by 12 Ed. 4. c. 1. & 17 Ed. 4. c. 7.

All Patents made to any to be Sheriff above a Year, ſhall be void.

Who ſhall take the Benefit of the Forfeiture. 2 H. 7. f. 67.

29 H. 6. c. 2.

CAP. VIII.

The Chancellor of *England* may grant Commiſſions of Sewers during Fifteen Years. EXP.

CAP. IX.

No Sheriff ſhall let to ferm his County or any Bailiwick. The Sheriffs and Bailiffs Fees and Duties in ſeveral Caſes.

4 H. 4. c. 5. Hob. 13. 21 H. 7. f. 36. Cro. El. 11, 12, 66, 178, 191, 199, 271. 1 Roll. 169.

'ITEM, The King conſidering the great Perjury, Extortion, and Oppreſſion which be and have been in this Realm by his Sheriffs, Under-Sheriffs, and their Clerks, Coroners, Stewards of Franchiſes, Bailiffs, and Keepers of Priſons, and other Officers in divers Counties of this Realm, hath ordained by Authority aforeſaid, in eſchewing of all ſuch Extortion, Perjury, and Oppreſſion, that no Sheriff ſhall let to ferm, in any Manner, his County, nor any of his Bailiwicks, Hundreds, nor Wapentakes; nor

None of the Sheriff's Officers ſhall be returned upon Inqueſts.

that the ſaid Sheriffs, Under-Sheriffs, Bailiffs of Franchiſes, nor any other Bailiff, ſhall return, upon any Writ or Precept to them directed to be returned any Inqueſts in any Panel thereupon to be made, any Bailiffs, Officers, or Servants to any of the Officers aforeſaid, in any Panel by them ſo to be made;

21 H. 7. f. 16. Dyer, f. 119. Latch 54. 5 Mod. 225.

nor that any of the ſaid Officers and Miniſters, by Occaſion, or under Colour of their Office, ſhall take any other Thing by them, nor by any other Perſon to their Uſe, Profit, or Avail, of any Perſon by them, or any of them, to be arreſted or attached, nor of none other for them, for the omitting of any Arreſt or Attachment to be made by their Body, or of any Perſon by them or any of them, by Force or Colour of their Office, arreſted or attached, for Fine, Fee, Suit of Priſon, Mainpriſe, letting to Bail, or ſhewing any Eaſe or Favour to any ſuch Perſon ſo arreſted, or to be arreſted, for their Reward or Profit,

Fees for Arreſts and Attachments. Raſt. 337. Co. pl. 365.

but ſuch as follow; that is to ſay, For the Sheriff xx d. the Bailiff which maketh the Arreſt or Attachment, Four-pence, and the Gaoler, if the Priſoner be committed to his Ward, Four-pence;

Fees for the Copy of a Panel. 3 Ed. 1. c. 26. Cro. El. 76. 3 Leon. 208.

And that the Sheriff, Under-Sheriff, Sheriff's Clerk, Steward or Bailiff of Franchiſe, Servant of Bailiff or Coroner, ſhall not take any Thing by Colour of his Office, by him nor by any other Perſon to his Uſe, of any Perſon for the making of any Return or Panel, and for the Copy of any Panel, but iv d.

What Perſons may be bailed, what not. Latch. 23, 143. Plow. f. 60. The Conditions of the Bail Bond.

And that the ſaid Sheriffs, and all other Officers and Miniſters aforeſaid, ſhall let out of Priſon all Manner of Perſons by them or any of them arreſted, or being in their Cuſtody, by Force of any Writ, Bill, or Warrant in any Action Perſonal, or by Cauſe of Indictment of Treſpaſs, upon reaſonable Sureties of ſufficient Perſons, having ſufficient within the Counties where ſuch Perſons be ſo let to Bail or Mainpriſe, to keep their Days in ſuch Place as the ſaid Writs, Bills, or Warrants ſhall require. Such Perſon or Perſons which be or

Carthew 300. 1 Mod. 227. *See* 2 *Bur.* 926, 927, 928.

ſhall be in their Ward by Condemnation, Execution, *Capias Utlagat'* or *Excommunicatum*, Surety of the Peace, and all ſuch Perſons which be or ſhall be

2 Mod. 177. 3 Mod. 307. 1 Sid. 383. 1 Saund. 161, 162. 2 Anderſ. 122. 2 Leon. 78, 107, 118. 1 Anderſ. 267.

committed to Ward by ſpecial Commandment of any Juſtice, and Vagabonds refuſing to ſerve according to the Form of the Statute of Labourers only except. And that no Sheriff, nor any of the Officers or Miniſters aforeſaid, ſhall take or cauſe to be taken, or make, any Obligation for any

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ITEM le Roi conſiderant lez graundez perjure extorſion & oppreſſion, queux ſount & ount eſteez en ceſt Roialme per ſez Viſcountz, Southviſcountz, & lour Clerks, Coroners, Seneſchallx dez Fraunchiſez, Baillifs & Gardeinz dez priſons, & autres Officers en diverſez Counteez diceſt Roialme, ad ordeigne per lauctorite ſuiſdit, en eſchuying dez toutz tielx extorſions, perjurie, & oppreſſion, que nulle Viſcount leſſe a ferme en aſcun manere ſon Counte, ne aſcun de ſez Baillifwiks, Hundredez, ne Wapentakez, ne que lez ditz Viſcountz, Southviſcountz Baillifs dez fraunchiſez, ne aſcun autre Bailif, retourne ſur aſcun briefe ou precept a eux direct, de retourner aſcuns enqueſtez ou aſcuns panellez ſur ceo deſtre fait, aſcuns Baillifs, Officers, ou ſervauntz a aſcun de lez officers ſuiſditz, en aſcun panelle per eux iſſint affaire, ne que null de lez ditz Officers & Miniſtrez, per occaſion, ou ſouth coloun, de lour office, preigne aſcun autre choſe per eux ne per aſcun autre perſone a lour oeps ou availle daſcun perſone per eux ou aſcuns de eux deſtre arreſtuz ou attachez, ne de nulle autre pur eux, pur le leſſer daſcun arreſt ou attachement deſtre fait per lour corps, ou de aſcun perſone per eux ou aſcun de eux per force ou colour de lour office areſtuz ou attachez, pur fyn, fee, ſewet de priſon, maynpris, leſſance a baille, ou monſtraunce aſcun eaſe ou favour a aſcun tiel perſone iſſint arreſtuz ou arreſtier, pur lour regard ou profit, ſi noun tiel come enſuiſt, ſcilicet pur le Viſcount xx d. le Baillif qe face larreſt ou lattachement iiij d. & le Gaoler, ſi le priſoner ſoit commis a ſa garde, iiij d. — Et que le Viſcount, Southviſcount, Clerk de Viſcount, Seneſchall ou Baillif de fraunchiſe, Servaunt ou Baillif, ne Coroner, preigne per colour de ſon' office, per luy ne per aſcun autre perſone a ſon uſe, daſcun perſone pur la faiſure daſcun retourne ou panelle aſcun choſe, & pur la copie dun panell iiij d. & que lez dit Viſcountz, & toutz autres Officers & Miniſtrez avauntditz, leſſerount hors du priſon toutz maners dez perſonez per eux ou aſcun de eux arreſtiers ou eſteant en lour garde per force daſcun briefe, Bille, ou garraunt en aſcun action perſonell, ou per cauſe denditement de treſpas, ſur reſonable ſuerte dez ſufficeantz perſonez eiantz ſufficeaunte deinz lez Counteez lou tielx perſonez ſount iſſint ſeſſez a baille ou maynpris, de garder lour jours en tielx lieux come lez ditz briefs billez ou garrauntz requirent; tiel perſone ou perſonez qui ſount ou ſerrount en lour garde per condempnation, execution, capias utlagatum, ou excommunicatum, ſuerte de peas, & toutz tielx perſonez qui ſount commys a gard per eſpecial commaundement daſcun Juſtice, & vagerauntz refuſauntz de ſervir ſolonque la fourme del eſtatut dez laborers, tauntſoulement exceptz. Et que nulle viſcount, ne nulle dez officers ou miniſtrez ſuiſditz, preigne ou face de prendre ou faire aſcun obligation pur aſcun cauſe ſuiſditz, ou

colour

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colour de lour office, ſinoun tauntſoulement a lour meſmez, daſcun perſone, ne pur aſcun perſone qui ſoit en lour garde per le cours de la leye, forſque ſur le noun de lour office, & ſur condition que la dit priſoner appierge a le jour conteignuz en le dit briefe bille ou garraunt & en tielx lieux come le dit briefe bille ou garrant requiert. Et ſi aſcuns de lez ditz viſcountz ou autres officers ou miniſtrez ſuiſditz preigne aſcun obligation en autre fourme per colour de lour officez, qil ſoit voide. Et qil ne preigne pluis pur la feſaunce daſcun tiel obligation, garraunt, ou precept, per eux deſtre fait, forſque iiij. d. Et auxint que cheſcune de lez ditz viſcountz face annuelment un depute en lez courtz du Roi de ſa Chauncerie, Bank du Roy, Commune Bank, & Leſchequer, de recorde, devaunt ceo qils retournent aſcuns briefs, de reſceiver toutz maners dez briefs & garrantz a eux deſtre deliverez. Et qe toutz lez viſcountz, ſouthviſcountz, clerks, baillifs, gaolers, coroners, ſeneſchallx, baillifs dez fraunchiſez, ou aſcuns autres officers ou miniſtrez, queux fount le contrarie diceſt ordeignaunce, ou daſcun point dicelle, perde a la partie en ycelle endamage ou greve fez treblez damages & forface la ſomme de xl. li. a cheſcune temps que eux ou aſcun de eux fount le contrarie dicelle en aſcun point dicelle, dount le Roi davoir lune moite, ceo deſtre emploiez a le uſe de ſon hoſtiel, & en null autre manere, & lautre moite a celluy qui ceo voet ſuer. Et que lez Juſtices dez aſſiſez en lour ſeſſions, Juſtices del un Bank & del autre, & Juſtices de la peas en lour paiis, eient poair denquerer, oier & terminer, doffice, ſaunz eſpecial commiſſion, de & ſur toutz iceux, qui ferrount le contrarie diceſt ordeignaunce en cheſcune article ou point dicelle. E ſi lez ditz viſcountz retournent ſur aſcun perſone cepi corpus, ou reddidit ſe, qils ſoient chargeablez davoir le corps dez ditz perſonez a lez jours de la retourne dez ditz briefs, billez, ou garraunts, en tiel fourme come ils furent devaunt la feſaunce diceſt acte.

Purveu toutz foitz, que per ceſt preſent ordeignaunce le Gardeyn de la gaole le Roy de Flete, & de la paleys du Roi a Weſtminſter, pur le temps eſteant, ne ſoit endamage ne prejudice en ſon duete de ſon office. Et auxint que ceſt ordeignaunce commencera en la feſt de paſque que ſerra en lan de noſtre Seignur Jeſu Criſt M^l. CCCC xlvj^e.

'Cauſe aforeſaid, or by Colour of their Office, but only to themſelves, of any Perſon, nor by any Perſon which ſhall be in their Ward by the Courſe of the Law, but by the Name of their Office, and upon Condition written, that the ſaid Priſoners ſhall appear at the Day contained in the ſaid Writ, Bill or Warrant, and in ſuch Places as the ſaid Writs, Bills, or Warrants ſhall require. And if any of the ſaid Sheriffs, or other Officers or Miniſters aforeſaid, take any Obligation in other Form by Colour of their Offices, that it ſhall be void; and that he ſhall take no more for the making of any ſuch Obligation, Warrant, or Precept by them to be made, but Four-pence. And alſo that every of the ſaid Sheriffs ſhall make yearly a Deputy in the King's Courts of his Chancery, the King's Bench, the Common Place, and in the Exchequer, of Record, before that they ſhall return any Writs, to receive all Manner of Writs and Warrants to be delivered to them: And that all Sheriffs, Under-Sheriffs, Clerks, Bailiffs, Gaolers, Coroners, Stewards, Bailiffs of Franchiſes, or any other Officers or Miniſters, which do contrary to this Ordinance in any Point of the ſame, ſhall loſe to the Party in this Behalf indamaged or grieved, his treble Damages, and ſhall forfeit the Sum of xl. li. at every Time that they or any of them do the contrary thereof in any Point of the ſame; whereof the King ſhall have the one Half, to be employed to the Uſe of his Houſe, and in no other wiſe, and the Party that will ſue, the other Half. And that the Juſtices of Aſſiſes in their Seſſions, Juſtices of the one Bench and of the other, and Juſtices of Peace in their County, ſhall have Power to inquire, hear, and determine of Office without ſpecial Commiſſion, of and upon all them that do contrary to theſe Ordinances in any Article or Point of the ſame. And if the ſaid Sheriffs return upon any Perſon, *Cepi Corpus*, or *Reddidit ſe*, that they ſhall be chargeable to have the Bodies of the ſaid Perſons at the Days of the Returns of the ſaid Writs, Bills, or Warrants, in ſuch Form as they were before the making of this Act.

Hob. 13. 10 Co. 101. Dyer, f. 118, 323, 364. 7 Ed. 4. f. 5. 3 Co. 59. 10 Co. 99. Cro. Jac. 286. Cro. Car. 309, 438. Savil 81. Hob. 72.

The Sheriff ſhall make Deputies in the King's Courts.

The Forfeitures of the Offenders, and who ſhall have them.

The Sheriff returning *Cepi Corpus*, or *Reddidit ſe*. Dyer, f. 25.

'II. Provided always, That the Warden of the King's Gaol of the *Fleet*, and of the King's Palace of *Weſtminſter* for the Time being, ſhall not be endamaged nor prejudiced by this Ordinance in the Duty of his Office. And alſo that this Ordinance ſhall begin at the Feaſt of *Eaſter* which ſhall be in the Year of our Lord MCCCC xlvi.'

The Warden of the *Fleet* and of the Palace of *Weſtminſter* exempted. 4 Co. 76. Dyer, f. 119.

See 3 *Geo.* 1. c. 15. *ſec.* 13. *for the Penalty of Sheriffs taking Fees for levying the King's Debts.*

CAP. X.

The Order of levying the Wages of the Knights of the Parliament.

ITEM come devaunt ceſt temps diverſez viſcountz en diverſez counteez Dengleterre qount per colour des briefs directz a eux, pur lever lez gagez de lez chivalers de lez counteez pur le temps eſteantz, de lez parlementz du Roy qoreſt, & de ſez noblez progenitours, ount leve pluis de money, que ad eſte due as lez ditz chivalers, & pluis qils ount deliverez a eux, gardauntz & preignauntz graunde partie du dit money a lour uſe & profit demeſne, & lour officers & ſervauntz, a treſgraunde

"ITEM, Whereas before this Time divers Sheriffs in divers Counties of *England*, by colour of Writs to them directed, to levy the Wages of the Knights of the Shires for the Time being, of the Parliament of the King that now is, and of his noble Progenitors, have levied more Money than hath been due to the ſaid Knights, and more than they have delivered to them, keeping and retaining great Part of the Money to their own Uſe and Profit, to their Officers and Servants, to the great Loſs of

" the common People of the ſaid Counties :" ' The ' King, conſidering the Premiſſes, hath ordained by ' the Authority aforeſaid, That the Sheriff of every ' County for the Time being, in the next County ' Court holden in their Counties, after the Delivery ' of the ſaid Writs directed to them, ſhall make ' open Proclamation, that the Coroners, and every ' chief Conſtable of the Peace of the ſaid Counties, ' and the Bailiffs of every Hundred or Wapentake of ' the ſame County, and all other which will be at the ' aſſeſſing of the Wages of the Knights of the Shires, ' ſhall be at the next County there to be holden to ' aſſeſs the ſaid Wages of the ſaid Knights ; and that ' the Sheriff, Under-Sheriff, Coroners, or Bailiffs ' for the Time being, be there at the ſame Time in ' their proper Perſon, upon Pain of Forfeiture to ' the King, of every of them that maketh Default, ' forty Shillings. At which Time the ſaid Sheriff or ' Under-Sheriff, in the Preſence of them that ſhall ' come at that Time, and of the Suitors of the ' ſame Counties then being there, in the full County ' well and duly ſhall aſſeſs every Hundred to that aſ- ' ſeſſable by itſelf, to pay a certain Sum for the ' Wages of the Knights of the Shire, ſo that the ' whole Sum of all the Hundreds do not exceed the ' Sum which ſhall be due to the ſaid Knights. And ' after that in the ſame County, they ſhall aſſeſs well ' and lawfully every Village within the ſaid Hun- ' dreds, which ſhould be there aſſeſſable, to a certain ' Sum for the Payment of the ſaid Wages ; ſo that ' the whole Sum of all the Towns within any of the ' ſaid Hundreds, do not exceed the Sum aſſeſſed upon ' the Hundred of which they be. And that the ſaid ' Sheriffs, Under-Sheriffs, Bailiffs, nor any other ' Officer, for the Cauſe aforeſaid, ſhall levy more ' Money of any Village than that whereunto they ' were aſſeſſed, and in Manner and Form as they are ' aſſeſſed : And if any do or will aſſeſs any Hundred ' or Village otherwiſe than is aforeſaid, that they ſhall ' forfeit for every Default to the King Twenty ' Pounds, and to any Man which will ſue in this ' Caſe, Ten Pounds.

The Penalty if the Sheriff, &c. levy more Money than is aſſeſſed.

' II. And that the ſaid Sheriffs well and duly ſhall ' levy the Money ſo aſſeſſed upon the aforeſaid Vil- ' lages, as ſpeedily as they well may after the ſaid aſ- ' ſeſſing, and the ſame ſhall deliver to the ſaid Knights, ' according to the Writs thereof to be made, upon ' the ſaid Penalties ; and he that will ſue in this Caſe, ' ſhall be thereunto admitted, and ſhall have for his ' Action in this Caſe a *Scire facias* againſt him that ' offendeth contrary to this Ordinance ; and if the ' Defendant, duly warned in the ſame, make Default, ' or elſe appear, and be in the ſame convict, that ' then the Plaintiffs ſhall recover againſt them which ' be ſo convict, Ten Pounds to their own Uſe, over ' the ſaid Twenty Pounds, with their treble Damages ' for the Coſts of their Suits.

Who may proſecute on this Act, and by what Writ.

The Penalty on Offenders.

' III. And the Juſtices of the King's Bench, and ' of the Common Pleas, Juſtices of Aſſiſes, and Gaol- ' delivery, and Juſtices of Peace in their Country, ' ſhall have Power to inquire, hear, and determine ' of all the ſaid Defaults, as well by Inquiry at the ' King's Suit, as by Action at the Suit of the Par- ' ties ; and that all ſuch Expences of Knights ſhall ' not be levied of any other Villages, Seigniories, or

The Knights Wages ſhall be levied only in the accuſtomed Places.

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damage de la commune poeple de lez ditz counteez : le Roi conſiderant lez premiſſez, ad ordeigne per lauctorite ſuiſdit, qe le viſcount de cheſcune counte pur le temps eſteant, en le proſchein counte tenuz en lour countees apres la deliveraunce de lez ditz briefs fait a eux, face overt proclamation, que lez coroners, & cheſcune chief conſtable de la peas dez ditz countees, & lez baillifs de cheſcun hundred ou wapentak de meſme le counte, & toutz autrez qui voillent eſtre a le aſſeſaunce de lez gagez dez chivalers de lez Counteez, ſoient a le proſchein countee illoquez a tenir, daſſeſſer lez gagez de lez ditz chivalers ; & que le viſcount, ou ſouthviſcount, coroners, ou baillifs, pur le temps eſteantz, ſoient illoquez a meſme le temps en lours propres perſonez, ſur la peyn de forfaiture a Roi, de cheſcune diceux qui face defaute xl. s. a quel temps le viſcount ou ſouthviſcount, en preſence diceux qui a celle temps viendront, & de lez ſuitours dez ditz counteez adonqes eſteantz la, en le pleyn counte bien & duement ceſſa cheſcune hundred a ceo aſſeſſable per luy meſme a un certayn ſomme, de paier pur lez gagez dez ditz chivalers de lez counteez, iſſint que lentier ſomme dez toutz lez hundredez nexcede la ſomme que ſerra dewe a lez ditz chivalers : & apres ceo en meſme le counte aſſeſſe bien & duement cheſcune village deinz lez ditz hundredez a ceo aſſeſſable, a un certayn ſomme pur le paiement de lez ditz gagez, iſſint que lentier ſomme dez toutz lez villez deinz aſcun de lez ditz hundredez nexcede la ſomme aſſeſſe ſur le hundrede de quell eux ſount. Et que lez ditz viſcountz, ſouthviſcountz, baillifs, ne null autres officers pur la cauſe ſuiſdit leva pluis de money de nulle village, que ceo a que ils furent aſſeſſez, & en manere & fourme come ils ſount aſſeſſez. Et ſi aſcune face ou voille aſſeſſer aſcun hundred ou village autrement que eſt avauntdit ; qils forfacent pur cheſcun defaut a Roy xx. li. & a cheſcune homme, qui voet ſuer en ceſt cas x. li. Et que lez ditz viſcountz bien & duement levent la money iſſint aſſeſſez ſur lez ditz villagez, auxi haſtifment come ils poient bonement apres le dit aſſeſſance, & icelle deliverent as lez ditz chivalers, accordant a lez briefez de ceo deſtre faitz, ſur lez ditz peynez ; & celluy qui voet ſuer en ceſt cas ſoit admys a ceo, & eit pur ſa action en ceſt cas un ſcire facias envers celluy qui offende encountre ceſt ordeignaunce. Et ſi le defendant duement garniz en ycelle face defaulte, ou autremet appierge & ſoit en ycelle convict ; que adonques lez pleintifs recoverent envers eux qui iſſint ſont convictz x. li. a lour propre uſe ouſtre lez ditz xx. li. ove lour damages pur lez coſtagez de lour ſuitz a le treble. Et que lez Juſtices de le Bank le Roi Juſtices de commune Bank, Juſtices daſſiſez & gaole deliverer, & Juſtices de la peas en lour paiis, eient poiar denquerer, oier & terminer, dez toutz lez ditz defaultz, ſibien per enquerre a la ſuite du Roi, come per action a la ſuite de partie. Et que toutz tielx expenſez dez chivalers ne ſoient levez daſcuns autres villagez, Seignouries,

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ou lieux, forſque dez tielx come ils ount eſte duement levez devaunt ceſt temps, & que en cheſcune tiel brieſe deſore affaire pur lever lez gagez dez chivalers ſoit ceſt act comprehenduz.

‘ Places, but of ſuch whereof it hath been levied before this Time.

‘ IV. And that in every ſuch Writ from henceforth to be made to levy the Wages of the ſaid Knights, this Act ſhall be comprehended in the ſame.’

See 35 H. 8. c. 11. *for the Payment of the Wages of Knights and Burgeſſes in Wales.*

CAP. XI.

The Trial ſhall be made when the Tenant or Defendant, after an Iſſue joined, pleadeth a foreign Plea, where the ſame Writ is brought, and by the Jury ſo returned. *To endure to the next Parliament.* EXP.

CAP. XII.

A Servant in Huſbandry purpoſing to depart from his Maſter muſt give him Half a Year's Warning, or elſe he ſhall ſerve him the Year following. The ſeveral Wages of Servants in Huſbandry, and of Labourers, with Meat and Drink, and without. Rep. 5 El. c. 4.

CAP. XIII.

The Penalty of a Subject's Taker taking any Thing without the Owner's Conſent. 36 Ed. 3. c. 6. 7 R. 2. c. 8. *Obſ. by* 12 *Car.* 2. c. 24.

CAP. XIV.

Who ſhall be Knights for the Parliament. The Manner of their Election. The Remedy where one is choſen and another returned.

ITEM come per auctorite dun parlement tenuz a Weſtm' lan du reigne de le treſhonorable pier du Roi qoreſt primer, entre autres choſez ordeigne fuiſt, que lez citezeins & burgeiſez dez citeez & burghs venauntz au parlement ſerroient eſlieux hommez citezeins & burgeiſez reſceauntz demurrauntz & enfraunchiſez en meſmez lez citeez & burghs, & null autres; come en meſme leſtatut pluis pleynement eſt conteignuz: lez queux citezeins burgeiſez & nulle autres ount tout temps en citeez & burghs eſtez eſlieux, & as viſcountz dez counteez retournez, & ſur lour retournez reſceux & acceptez per lez parlementz devaunt cez hoeurez tenuz: Et auxint come per auctorite dun parlement tenuz a Weſtm' lan du reigne le Roi qoreſt oeptiſme, ordeigne fuiſt, en quell manere & fourme lez chivalers dez counteez a venir as parlementz enapres teniers ſerrount eſlieux, & comment lez viſcountz dez meſmez lez countez ſur ceo ferroient lour retournez, come en meſme leſtatut pluis pleynement appiert: per force de quele eſtatut elections des chivalers a venir a parlement aſcun foitz ount eſtez duement faitz & loialment retournez, tanqe a ore tarde, que diverſez viſcountz dez counteez du Roialme dEngleterre pur lour ſinguler availle & lucre ne ount faitz due elections dez chivalers, ne en temps covenable, ne bons & verroiez retournez, & aſcun foitz null retournez dez chivalers citizeins & burgeiſez loialment eſluz pur venir as parlementz; mez ount retournez tielx chivalers, citizeins & burgeiſez, que ne furent unquez duement eſlieux, & autres citezeins & burgeiſez, que ceux que per mairs & baillifs as ditz viſcountz furent retournez: Et aſcun foitz lez viſcountz ne ount retourne les briefs qils avoient pur faire elections dez chivalers a venir as parlementz, einz lez ditz briefs ount embeſillez, & ouſtre nulle precept as

“ ITEM, Whereas by Authority of a Parliament holden at *Weſtminſter* the firſt Year of the Reign of King HENRY, Father to the King that now is, amongſt other Things it was ordained, That the Citizens and Burgeſſes of Cities and Boroughs, coming to the Parliament, ſhould be choſen Men Citizens and Burgeſſes reſident, abiding, and free in the ſame Cities and Boroughs, and none other, as in the ſame Statute more fully is contained; which Citizens and Burgeſſes, and no other, have always in Cities and Boroughs been choſen by Citizens and Burgeſſes, and no other, and to the Sheriff of the Counties returned, and upon their Returns received and accepted by the Parliaments before this holden. And alſo, whereas by Authority of a Parliament holden at *Weſtminſter*, the eighth Year of the Reign of the King that now is, it was ordained in what Manner and Form the Knights of the Shires coming to the Parliaments from thenceforth to be holden ſhould be choſen, and how the Sheriffs of the ſame Counties thereupon ſhould make their Returns, as in the ſame Statute more fully appeareth; by Force of which Statute Elections of Knights to come to the Parliaments ſometimes have been duly made, and lawfully returned, until now of late, that divers Sheriffs of the Counties of the Realm of *England*, for their ſingular Avail and Lucre, have not made due Elections of the Knights, nor in convenient Time, nor good Men and true returned, and ſometime no Return of the Knights, Citizens, and Burgeſſes lawfully choſen to come to the Parliaments; but ſuch Knights, Citizens, and Burgeſſes have been returned, which were never duly choſen, and other Citizens and Burgeſſes than thoſe which by the Mayors and Bailiffs were to the ſaid Sheriffs returned; and ſometimes the Sheriffs have not returned the Writs which they had to make Election of Knights to come to the Parliaments, but the ſaid Writs have imbeſiled, and moreover

1 H. 5. c. 1. 18 Geo. 2. c. 18. 4 Inſt. 10.

7 H. 4. c. 15. 11 H. 4. c. 1.

6 H. 6. c. 4.

8 H. 6. c. 7. 10 H. 6. c. 2. 23 H. 6. c. 10.

The ſeveral Defaults of Sheriffs in returning of Knights, &c. to ſerve in Parliament.

"moreover made no Precept to the Mayor and Bailiff, "or to the Bailiffs or Bailiff where no Mayor is, of "Cities and Boroughs, for the Election of Citizens "and Burgesses to come to the Parliament, by the "Colour of these Words contained in the same "Writs; *Quod in pleno comitatu tuo eligi facias pro "comitatu tuo duos Milites, & pro qualibet civitate in "comitatu tuo duos Cives, & pro quolibet burgo in co-"mitatu tuo duos Burgenses*; And also because suffi-"cient Penalty and convenient Remedy for the Party "in such Case grieved is not ordained in the said "Statutes against the Sheriff, Mayors, and Bailiffs, "which do contrary to the Form of the said Sta-"tutes:" ' The King considering the Premisses hath ordained by Authority aforesaid, That the said Statutes shall be duly kept in all Points; and more-over that every Sheriff, after the Delivery of any such Writ to him made, shall make and deliver without Fraud a sufficient Precept under his Seal to every Mayor and Bailiff, or to Bailiffs or Bailiff where no Mayor is, of the Cities and Boroughs within his County, reciting the said Writ, com-manding them by the same Precept, if it be a City, to choose by Citizens of the same City, Citizens, and in the same Manner and Form, if it be a Bo-rough, by the Burgesses of the same, to come to the Parliament. And that the same Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, shall return lawfully the Precept to the same Sheriffs, by Indentures betwixt the same Sheriffs and them to be made of the said Elections, and of the Names of the said Citizens and Burgesses by them so chosen, and thereupon every Sheriff shall make a good and rightful Return of every such Writ, and of every Return by the Mayors and Bailiffs, or Bailiffs or Bailiff where no Mayor is, to him made. And that every Sheriff at every Time that he doth contrary to this Statute, or any other Statutes for the Election of Knights, Citizens and Burgesses to come to the Parliament before this Time made, shall incur the Pain contained in the said Statute made the said eighth Year, and moreover shall for-feit and pay to every Person hereafter chosen Knight, Citizen, or Burgess in his County, to come to any Parliament, and not duly returned, or to any other Person, which in Default of such Knight, Citizen, or Burgess will sue, an hundred Pounds, whereof every Knight, Citizen, and Burgess so grieved, seve-rally, or any other Person which in their Default will sue, shall have his Action of Debt against the said Sheriff, or his Executors or Administrators, to de-mand and have the said hundred Pounds, with his Costs spent in that Case. And that in such Action taken by Virtue of this Statute, the Defendant shall not wage his Law of the Demand aforesaid in any wise, and that no Defendant in such Action shall have any Essoin. And in the same Manner at every Time that any Mayor and Bailiffs, or Bai-liffs or Bailiff where no Mayor is, shall return other than those which be chosen by the Citizens and Bur-gesses of the Cities or Boroughs where such Elections be or shall be made, shall incur and forfeit to the King Forty Pounds; and moreover shall forfeit and pay to every Person hereafter chosen Citizen or Bur-gess to come to the Parliament, and not by the same Mayor and Bailiffs, or Bailiffs or Bailiff where no

The Statutes of 1 H. 5. c. 1. 7 H. 4. c. 15. & 8 H. 6. c. 7. confirmed.

The Sheriffs shall send out Precepts to the Mayors and Bailiffs of Cities and Boroughs, to elect Citizens and Burgesses to serve in Parliament.

The Penalty on a Sheriff making an undue Return of a Member of Parliament.
11 H. 4. c. 1.
Carth. 132.
1 Shower 353.
Hob. 78.
2 Lev. 114.
3 Lev. 30.
1 Lut. 60.
5 Mod. 311.
2 Vent. 37.
Farr. 13.
2 Salk. 502.
Carth. 232.

The Penalty on a Mayor or Bailiff making an undue Return.
4 Mod. 129.

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mair & baillifs, ou as baillifs ou baillif ou mair neſt, dez citees & burghs pur elections dez citezeins & burgeiſez de venir as parlementz firent, per colour de ceſtz parolx contenuz en lez ditz briefs, quod in pleno comitatu tuo eligi facias pro comitatu tuo duos milites & pro qualibet civitate in comitatu tuo duos cives & pro quolibet burgo in comitatu tuo duos burgenſes: Et auxint pur ceo que ſufficeant peyne & covenable remedie pur la partie en tiel cas greve ne ſount pas ordeignez en lez ditz eſtatutz vers lez viſcountz & mairs & baillifs qui facent encountre la fourme dez ditz eſtatutz: le Roi conſiderant lez premiſſez, ad ordeigne per auctorite ſuiſdit, que lez ditz eſtatutz ſoient duement gardez & obſervez en toutz pointz. Et ouſtre ceo que cheſcune viſcount apres la livere de cheſcune tiel briefe a luy fait, ferra & delivera ſaunz fraude un ſufficeant precept deſouth ſon ſeal a cheſcune mair & baillif, ou as baillifs ou baillif ou mair neſt, deinz citeez & burghs deinz ſon countee, recitant le dit briefe, eux commandant per meſme le precept, deſlier, ſi ſoit citee, per citezeins de meſme la citee deux citezeins, & en meſme la fourme ſi ſoit burgh, burgeiſez, de venir al parlement. Et que meſmez lez mair & baillifs, ou baillif ou mair neſt, dez citeez & burghs retour-nent loialment le dit precept a meſme le viſcount per endenturez entre meſme le viſcount & eux affaire, de lez ditz elections, & dez nouns dez ditz citezeins & burgeiſez iſſint per eux eſlutz. Et ſur ceo que cheſcune viſcount face bone & droit retourne de cheſcune tiel briefe, & de cheſcune re-tourne per mair & baillifs, ou baillif ou mair neſt, a luy fait. Et que cheſcune viſcount, a cheſcune foitz qui il face le contrarie diceſt eſtatut ou daſcun autre eſtatut pur election dez chivalers citezeins & burgeiſez de venir al parlement devaunt cez hoeu-rez fait, encourge la peyne contenu en le dit eſta-tut fait le dit an octiſme. Et ouſtre ceo forface & paie a cheſcune perſone en apres eſlieu chivaler ci-tezein ou burgeis en ſon counte de venir a aſcun parlement, & nemye per luy duement retourne, ou a aſcun autre perſone que en defaute de tiel chi-valer, citezein, ou burgeis, ſuer le voet C li. dont cheſcun chivaler, citezein, & burgeis iſſint greve ſeveralment, ou aſcun autre perſone qui en lour defaulte ſuer voet, eit ſa action de dette envers le dit viſcount, ou ſez executours ou adminiſtratours, a demaunder & aver lez ditz C li. ove ſez coſtagez en ceſt cas deſpenduz. Et que en tiel action pris per vertue diceſt eſtatut le defendaunt ne gagera ſa ley de la demaunde ſuiſdit en null manere. Et que nulle defendaunt en tiel action avera aſcun eſſoyn. Et en meſme le manere a cheſcune foitz que aſcune mair & baillifs, ou baillifs ou baillif ou mair neſt, retournent ou retourne autres que ceux qui ſont eſluz per lez citezeins & burgeiſez dez citeez & burghs, ou tielx elections ſont ou ſerrount faitz, encourge & forface a Roi xl. li. & enouſtre forface & paie a cheſcune perſone en apres eſlieu citezein ou burgeis a venir al parlement, & nemye per meſ-mez lez mair & baillifs, ou baillifs ou baillif ou

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mair neſt, retourne, ou autre perſone qui en defaulte de tiel citezein ou burgeis iſſint eſlieu ſuer voet, xl. li. dont cheſcune des citezeins & burgeyſez iſſint greve ſeveralment, ou aſcun autre perſone qui en lour defaute ſuer voet, ait ſa action de dette envers cheſcune des ditz mair & baillifs, ou baillifs ou baillif ou mair neſt, & envers lour executours ou adminiſtratours, a demaunder & aver de cheſcune dez ditz mair & baillifs, ou baillifs ou baillif ou mair neſt, xl. li. ove ſez coſtagez en ceſt cas expenduz; & que en tiel action de dette pris per force diceſt eſtatut null defendaunt gagera ſa ley de la dit demaunde en null manere, ne avera aſcun eſſoin.

Et que cheſcune viſcount qui ne face due election dez chivalers pur venir al parlement en temps covenable, ſcilicet cheſcune viſcount en ſon pleyn counte per entre le houre de viij^e & le hoeure de xj^e devaunt le none, ſaunz colluſion en ceſt partie, & cheſcune viſcount qui ne face bon & verray retourne dez tielx elections dez chivalers de venir al parlement en temps a venir, come a eux appartient, en manere & fourme ſuiſditz, forface envers le Roi C. li. & encourge la peyne de C. li. a paier a celluy qui voet ſuer envers luy, ſez executours ou adminiſtratours, pur ceſt cauſe, per voie daction de dette, ove ſez coſtagez en celle partie expenduz ſans gager de ley de celle demaunde, ou aver eſſoin, come devant eſt dit.

Purveu toutz foitz, que cheſcun Chivaler, Citezein, & Burgeis, pur venir a aſcun parlement en temps aveigner a tenir, en due fourme eſlieu, & noun pas retourne come deſuis eſt dit, commence ſa action de dette ſuiſdit deinz trois mois apres meſme le parlement commence, a proceder en la dit ſuite effectuelment, ſaunz fraude; & ſi iſſint ne face, eit un autre qui ſuer le voet le dit action de dette, come devaunt eſt dit, de aver & recoverer meſme la ſomme, ove ſez coſtagez en ceſt partie diſpenduz, en manere & fourme avauntdit; iſſint que null defendaunt en tiel action gagera ſa ley, ne ſoit eſſoin en null manere, come deſuis eſt dit. Et ſi aſcune Chivaler, Citezein, ou Burgeis, en temps aveignir retourne per le viſcount de venir al parlement en la manere ſuiſdit, apres tiel retourne per aſcun perſone ſoit ouſte, & un autre mys en ſon lieu; que tiel perſone iſſint mys en le lieu ceſtuy qui eſte ouſte, ſil accepte ſur luy deſtre Chivaler, Citezein, ou Burgeis, a aſcun parlement en temps avenir, forface devers le Roy C. li. & C. li. al Chivaler, Citezein, ou Burgeis, iſſint retourne per le viſcount, & apres come devaunt eſt dit ouſte. Et que ceſt Chivaler, Citezein, ou Burgeis, qui eſt iſſint ouſte, avera action de dette dez meſmez C. li. vers tiel perſone iſſint mys en ſon lieu, ſez executours ou adminiſtratours. Purveu toutz foitz, que il commence ſa ſuite deinz trois moys apres le parlement commence; & ſil il ne face, que celluy qui voet ſuer avera action de dette dez meſmez lez C. li. envers ceſtuy qui eſt mys en le lieu ceſtuy qui eſt iſſint apres tiel retourne ouſte, ſez executours ou adminiſtratours. Et que null defendaunt en tiel action gagera ſa ley, ne ſoit eſſoin, & que autiel proceſſe ſoit en les actions avauntditz, come eſt en brieſe de treſpas fait en-

‘ Mayor is, returned, or to any other Perſon which in ‘ Default of ſuch Citizen or Burgeſs ſo choſen will ‘ ſue, Forty Pounds, whereof every of the Citizens and ‘ Burgeſſes ſo grieved ſeverally, or any other Perſon ‘ which in their Default will ſue, ſhall have his Action ‘ of Debt againſt every of the ſaid Mayor and Bailiffs, ‘ or Bailiffs or Bailiff where no Mayor is, againſt their ‘ Executors or Adminiſtrators, to demand and have of ‘ every the ſaid Mayors and Bailiffs, or Bailiffs or Bailiff where no Mayor is, Forty Pounds, with his ‘ Coſts in this Caſe expended; and that in ſuch ‘ Action of Debt, taken by Force of this Statute, no ‘ Defendant in any wiſe ſhall wage his Law of the ſaid ‘ Demand, nor have any Eſſoin.

‘ II. And that every Sheriff that maketh no due ‘ Election of Knights to come to the Parliament in ‘ convenient Time, that is to ſay, every Sheriff in his ‘ full County, betwixt the Hour of Eight and the ‘ Hour of Eleven before Noon, without Colluſion in ‘ this Behalf; and that every Sheriff that maketh not ‘ good and true Return of ſuch Elections of Knights ‘ to come to the Parliament in Time to come, as ‘ them pertaineth, in Manner and Form aforeſaid; ‘ ſhall forfeit to the King an Hundred Pounds, and ‘ alſo ſhall incur the Pain of an Hundred Pounds to ‘ be paid to him that will ſue againſt him, his Executors or Adminiſtrators, for this Cauſe, by Way of ‘ Action of Debt, with his Coſts in this Behalf expended, without waging of Law of his Demand, or ‘ having Eſſoin, as afore is ſaid. At what Time of the Day the Knights for the Shire ſhall be choſen.

‘ III. Provided always, That every Knight, Citizen, and Burgeſs to come to any Parliament hereafter to be holden, in due Form choſen and not returned as afore is ſaid, ſhall begin his Action of Debt aforeſaid within three Months after the ſame Parliament commenced, to proceed in the ſame Suit effectually without Fraud; and if he ſo do not, another that will ſue ſhall have the ſaid Action of Debt (as it is before ſaid) and ſhall recover the ſame Sum with his Coſts ſpent in this Behalf, in Manner and Form aforeſaid, ſo that no Defendant in ſuch Action ſhall wage his Law, nor be eſſoined in any wiſe, as afore is ſaid. And if any Knight, Citizen, or Burgeſs, hereafter returned by the Sheriff to come to the Parliament in the Manner aforeſaid, after ſuch Return, be by any Perſon put out, and another put in his Place, that ſuch Perſon ſo put in the Place of him which is out, if he take upon him to be Knight, Citizen, or Burgeſs, at any Parliament in Time to come, ſhall forfeit to the King an Hundred Pounds, and an Hundred Pounds to the Knight, Citizen, or Burgeſs ſo returned by the Sheriff, and after, as afore is ſaid, put out. And that the Knight, Citizen, or Burgeſs which is ſo put out ſhall have an Action of Debt of the ſame C li. againſt ſuch Perſon put in his Place, his Executors, or Adminiſtrators; provided always, That he ſhall begin his Suit within three Months after the Parliament commenced; and if he do not, then he that will ſue ſhall have an Action of Debt of the ſame C. li. againſt him which is put in Place of him that is ſo put out after ſuch Return, his Executors, or Adminiſtrators, and that no Defendant in ſuch Action ſhall wage his Law, nor be eſſoined; and that ſuch Proceſs ſhall be in the Actions aforeſaid, as in a Writ of Treſpaſs done againſt the Peace at Suits to be commenced within Three Months after the Parliament begun. The Penalty if any choſen to be Knight, Citizen, or Burgeſs, be put out, and another put in his Place. What Sorts of Perſons ſhall be choſen Knights of the Shires.

'at the Common Law; ſo that the Knights of the 'Shires for the Parliament hereafter to be choſen, 'ſhall be notable Knights of the ſame Counties for the 'which they ſhall be choſen, or otherwiſe ſuch nota- 'ble Eſquires, Gentlemen of Birth of the ſame 'Counties, as ſhall be able to be Knights; and no 'Man to be ſuch Knight which ſtandeth in the De- 'gree of a Yeoman, and under.'

See farther Index, tit. Parliament.

Cotton *MS.*

countre la peas de la commune ley. Iſſint que lez Chivalers dez Counteez pur le parlement enapres a eſſliers ſoient notablez Chivalers dez meſmez lez counteez, pur lez queux ils ſerront iſſint eſluz, ou autrement tielx notablez eſquiers, gentils hommez del nativite, dez meſmez lez counteez, come ſoient ablez deſtre chivalers, & null homme deſtre tiel chivaler qui eſtoiſe en la degree de vadlet & deſouth.

CAP. XV.

The Duty of a Gauger, and when he ſhall have his Gauge Penny.

'ITEM, The King hath ordained and eſtabliſhed 'by the Authority aforeſaid, That the Penny, 'which is called the Gauge Penny, ſhall not be paid 'to the Gauger, nor to any other in his Name, until 'he or his Deputies have gauged the Wines, and then 'he to take and receive his Penny for the ſame in 'Gree, without more Increaſe or Advantage to claim 'for it; And alſo that he or his Deputy be ready 'to do the Office of Gauger in all Places, when he to 'that by the Party ſhall be required; and that to be 'obſerved through all the Realm of *England*, upon 'the Pain compriſed in the Statute made the Seven 'and twentieth Year of the noble King EDWARD 'the Third, of the gauging of Red Wine and White 'Wine, duly to be executed.'

27 Ed. 3 *ſtat.* 1. c. 8.
31 *Ed.* 3. *ſtat.* 1. *c.* 5.
4 *R.* 2. *c.* 1.
18 *H.* 6. *c.* 17.
Confirmed by 1 *R.* 3. *c.* 15. *and* 28 H. 8. c. 14.

ITEM le Roi ad ordeigne & purveu per lauctorite ſuiſdit, que le denier que eſt appelle le gauge peny ne ſoit paie a le gaugeour, ne a aſcun autre en ſon noune, tanqe il ou ſon deputee eit gauge lez vinez, & adonques luy de prendre & reſceiver ſon denier pur ceo, en gree, ſaunz pluis encrece ou avauntage pur ceo claymer. Et auxint quil ſoit preſt, ou ſon deputee, de faire loffice de gaugeour en toutz lieux, quant il a ceo per la partie ſoit requis; & ceo deſtre obſervez per mye tout le Roialme du Roi, ſur la peyne compriſe en leſtatut fait lan xxvij. du Roy EDWARD le tierce, de gaugier dez vinez rouge & blanc, duement eſtre execut.

CAP. XVI.

When and where an Eſcheator ſhall take his Inqueſt of Office, and his Fee.

34 Ed. 3. c. 13. *Enforced by* 1 H. 8. c. 8. *which is made perpetual by* 3 *H.* 8. *c.* 2.

'ITEM, It is ordained, by Authority aforeſaid, 'That every Eſcheator ſhall take his Inqueſts of 'Office by Virtue of the Writs of *Diem clauſit extre- 'mum*, and all other Writs, within the Month after 'the Delivery of ſuch Writs, and alſo that all 'ſuch Inquiſitions ſhall be taken in good Towns and 'open Places; and that none of them ſhall take 'privily nor openly by him, nor by any Perſon, for 'the Execution of any ſuch Writs in one County, 'nor by the Occaſion thereof, above the Sum of Six 'Shillings and Eight Pence, or Thirteen Shillings 'and Four Pence, or above, where his Labour and 'his Coſts ſhall require it, ſo that the Sum which he 'ſo ſhall take do not exceed in the Whole the Sum of 'Forty Shillings, for the Execution of any ſuch Writ 'in one County; and if any Eſcheator do contrary 'to any of the Premiſſes, that then he ſhall forfeit the 'Sum of Forty Pounds.

Leaſes ſhall be made to thoſe which do tender a Traverſe to an Office.
34 *Ed.* 3. *c.* 14.
36 Ed. 3. c. 13.
8 H. 6. c. 16.
18 H. 6. c. 6.

'II. And if any Man traverſe an Office taken be- 'fore any Eſcheator or Commiſſioner, and thereof hath 'a *Scire facias* againſt any Patentee, that in this Caſe 'no Protection ſhall be allowed, nor allowable; and 'as to any Grant or Leaſe to be made to any Per- 'ſon which ſhall traverſe any ſuch Office, that the 'Statute in that Caſe, before this Time made, ſhall 'be duly obſerved: And that the King ſhall have 'the Half of the ſaid Forfeiture of Forty Pounds, and 'the Party, which in this Behalf will ſue for the King 'and himſelf, ſhall have the other Half of the ſame.'

ITEM ordeigne eſt per lauctorite ſuiſditz, que cheſcune eſchetour preigne ſez enqueſtez doffice per vertue dez briefez de diem clauſit extremum, & toutz autres briefs, deinz le mois apres la deliveraunce dautielx briefs, & auxint que toutz autielx inquiſitions ſoient priſez en bonez villez, & lieux overtez; & que nulle de eux preigne, privement ne appiert, per luy ne per autre, ne per aſcune meſne perſone, pur lexecution des aſcunes tielx briefs en un counte, ne per loccaſion de ceo, ouſtre la ſomme de vi. s. viij. d. ou xiij. s. iiij. d. ou deſouth lou ſon labour & ſez coſtages ceo demaunderent, iſſint que la ſomme qil autielment prendra nexceda en tout la ſomme de xl. s. pur lez executions daſcune tiel brief en un countee. Et ſi aſcune eſchetour face le contrarie daſcune de lez premiſſez, que adonques il forface la ſomme de xl. li. Auxint que ſi aſcune homme traverſe aſcun office priſe devaunt aſcun eſchetour ou commiſſioner, & dent eit aſcun Scire facias envers aſcun patentee, que en cell caſe null protection ſoit allowe ne allowble. Et quant a aſcun graunt ou leez a faire a aſcune perſone qui traverſa aſcun tiel office, que leſtatutz en tiel cas devaunt ceſt eſtatut faitz ſoient duement obſervez; & que le Roi eit la moite de la dit forfaiture de xl. li. & que la partie qui en ceſt partie voet ſuer pur le Roi & luy meſmes eit lautre moite dicelle.

CAP. XVII.

Cotton *MS.*

No new Impoſitions ſhall be laid upon them which buy Wines in *Gaſcoyn* or *Guyen*, by any of the King's Officers in thoſe Parts, upon Pain of Forfeiture of Twenty Pounds, and treble Damages. *See Appendix.*

Statutes made at St. Edmundſbury, Anno 25 HEN. VI. *and* Anno Dom. 1447.

In Turr. Lond.

All Statutes made againſt *Welſhmen* confirmed. All Grants of Markets and Fairs to any *Welſhman* ſhall be void. The King's Villains in *North Wales* ſhall be conſtrained to ſuch Labour as they have done before. *See Appendix.*

Statutes made at Weſtminſter, Anno 27 HEN. VI. *and* Anno Dom. 1448.

Ex Rot. in Turr. Lond.

AU parlement tenuz a Weſtm' le xij. jour de Febr. lan du reigne noſtre Seignur le Roy HENRY vj^e apres le conqueſt xxvij^e meſme noſtre Seignur le Roy del advis & aſſent des Seignurs eſpirituell & temporell & lez Communes eſteantz en le dit parlement & par auctorite de meſme le parlement ad fait ordener & eſtablier diverſes ordinances & eſtatutes en lez manere & fourme enſuantz.

"AT the Parliament holden at *Weſtminſter*, the Twelfth Day of *February*, the Seven and twentieth Year of the Reign of our Lord King HENRY the Sixth after the Conqueſt, the ſame our Lord the King, by Advice and Aſſent of the Lords Spiritual and Temporal, and the Commons being in the ſame Parliament, hath ordained and eſtabliſhed divers Ordinances and Statutes in Manner and Form following."

CAP. I.

If Woollen Cloths manufactured in *England* ſhall be prohibited in *Brabant*, *Holland*, and *Zealand*, then no Merchandiſe growing or wrought there within the Dominion of the Duke of *Burgoin* ſhall come into *England* upon Pain of Forfeiture.

EXP. Conf. for ſeven Years by 28 Hen. 6. c. 1. See 4 Edw. 4. c. 5.

CAP. II.

No Licence ſhall be available to carry Wools, Fells, or Tin to any Place out the Realm, but to *Calais*. *See Appendix.*

CAP. III.

Merchants Aliens ſhall beſtow all their Money upon other Merchandiſes, and carry forth no Gold or Silver, upon Pain of Forfeiture thereof.

5 H. 4. c. 9. 17 Ed. 4. c. 1.

EXP. 4 Inſt. 51. 4 H. 4. c. 15. 3 H. 7. c. 8.

CAP. IV.

A Rehearſal and Confirmation for Three Years of the Statute of 20 HEN. 6. *cap.* 3. provided againſt *Welſhmen* that take any *Engliſhmen*, their Goods and Chattles, and carry them into *Wales*. *See Appendix.*

CAP. V.

Certain Days wherein Fairs and Markets ought not to be kept.

ITEM conſideratis abhominabilibus injuriis & offenſis omnipotenti Deo noſtro Sanctiſque ſuis noſtris ſemper in neceſſitatibus adjutoribus & ſuc-

"ITEM, Conſidering the abominable Injuries and Offences done to Almighty God, and to his Saints, always Aiders and ſingular Aſſiſters in our Neceſſities, "becauſe

" becauſe of Fairs and Markets upon their high and " principal Feaſts, as in the Feaſt of the *Aſcenſion* of " our Lord, in the Day of *Corpus Chriſti*, in the Day of " *Whitſunday*, in *Trinity Sunday*, with other *Sundays*, " and alſo in the high Feaſt of the *Aſſumption* of our " Bleſſed Lady, the Day of *All-Saints*, and on *Good-* " *Friday*, accuſtomably and miſerably holden and uſed " in the Realm of *England*; in which principal and " feſtival Days, for great earthly Covetiſe, the People " is more willingly vexed, and in bodily Labour foiled, " than in other ferial Days, as in faſtening and making " their Booths and Stalls, bearing and carrying, lifting " and placing their Wares outward and homeward, as " though they did nothing remember the horrible defi- " ling of their Souls in buying and ſelling, with many " deceitful Lyes, and falſe Perjury, with Drunkenneſs " and Strifes, and ſo ſpecially withdrawing themſelves " and their Servants from divine Service;" ' the ' foreſaid Lord the King, by the Advice and Aſſent ' of the Lords Spiritual and Temporal, and the Com- ' mons of this Realm of *England*, being in the ſaid Par- ' liament, and by Authority of the ſame Parliament, ' hath ordained, That all Manner of Fairs and Markets ' in the ſaid principal Feaſts and *Sundays*, and *Good* ' *Friday*, ſhall clearly ceaſe from all ſhewing of any ' Goods or Merchandiſes (neceſſary Victual only ex- ' cept) upon Pain of Forfeiture of all the Goods afore- ' ſaid, ſo ſhewed, to the Lord of the Franchiſe or ' Liberty where ſuch Goods, contrary to this Ordi- ' nance, be or ſhall be ſhewed (the Four *Sundays* in ' Harveſt except.) Nevertheleſs, of his ſpecial ' Grace, by Authority aforeſaid, granteth to them ' Power, which of old Time had no Day to hold their ' Fair or Market but only upon the Feſtival Days ' aforeſaid, to hold by the ſame Authority and Strength ' of his old Grant, within Three Days next before the ' ſaid Feaſts, or next after, Proclamation firſt made ' to the ſimple common People, upon which Day the ' aforeſaid Fair ſhall be holden, always to be certified, ' without any Fine or Fee to be taken to the King's ' Uſe. And they which of old Time have, by ſpecial ' Grant, ſufficient Days before the Feaſts aforeſaid, or ' after, ſhall in like Manner as is aforeſaid, hold their ' Fairs and Markets the full Number of their Days, ' the ſaid Feſtival Days and *Sundays*, and *Good-* ' *Fridays* except.'

The Penalty on thoſe who ſhall keep Fairs or Markets upon *Sundays*.

' II. Provided always, That this preſent Ordinance ' ſhall begin to take Effect at the Feaſt of St. *Michael*, ' next coming, and not before, and ſhall endure until ' the next Parliament, and ſo forth, except in the ſaid ' Parliament a reaſonable Cauſe be alledged, ſhewed, ' and proved, for the which it ſhall ſeem not expedi- ' ent that the foreſaid Ordinance ſo ſhall endure.'

Ex Rot. in Turr. Lond.

curſoribus ſingularibus cauſa feriarum & mercatorum ſuper eorum ſumma & principalia feſta veluti in feſto Aſcenſionis Domini die corporis Chriſti die Pentecoſtes die Dominica Sancte Trinitatis cum aliis diebus Dominicis Ac etiam in ſummo feſto Aſſumptionis beate Marie die Omnium Sanctorum & in die Paraſceues conſuetudinaliter & miſerrime in regno Anglie tentorum & uſitatorum factis & perpetratis in quibus principalibus feſtivalibuſque diebus pro magna cupiditate terrena populus voluntarie plus vexatus & in labore corporali deturbatus exiſtit quam aliis diebus ferialibus videlicet in infigendo & faciendo bothas & ſtallas portando & vehendo levando & collocando mercimonia ſua extrorſum & domorſum quaſi nichil habentes in memoria horribilem inquinationem animarum ſuarum in emptione & venditione deceptivis multimodis mendaciis & falſo perjurio cum ebrietate & contentionibus & ſpecialiter ſe ipſos & eorum ſervientes a divino ſervitio ſubtrahendo prefatus dominus Rex de aviſamento & aſſenſu dominorum ſpiritualium & temporalium ac Communitatis regni ſui Anglie in dicto parliamento exiſtentium nec non autoritate ejuſdem parliamenti ordinavit quod omnimoda ferie & mercata in dictis principalibus feſtis & diebus Dominicis ac die Paraſceues penitus ceſſent ab omnimoda monſtratione aliquorum bonorum vel mercandiſarum neceſſariis victualibis exceptis ſub pena forisfacture omnium bonorum predictorum ſic monſtratorum domino franchefie ubi hujuſmodi bona in contrarium iſtius ordinationis ſunt vel erunt monſtrata quatuor diebus Dominicis in autumpno exceptis. Nichilominus ex ſua gratia ſpeciali auctoritate ſupradicta concedens poteſtatem illis qui ex antiquo nullum diem ad tenendum feriam vel mercatum ſuum niſi ſolummodo ſuper diebus feſtivalibus predictis habent ad tenendum ea auctoritate & vigore antique conceſſionis ſue infra tres dies prox' ante feſta predicta vel prox' poſt cum proclamatione prius facta ad ſimplicem vulgarem populum ſuper quem diem feria predicta tenebitur ſemper certiorand' abſque aliquo fine ſeu feodo ad uſum domini Regis capiendo. Et illi qui habent ex antiquo per ſpecialem conceſſionem dies ſufficientes ante ſupradicta feſta vel poſt plenum numerum dierum ſuorum obſervent conſimili ſupradicto modo ad tenend' ſuas ferias vel mercata dictis diebus feſtivalibus & Dominicis ac die Paraſceues exceptis.

Proviſo ſemper quod preſens ordinatio incipiat ſumere effectum ad feſtum ſancti Michaelis proximo futurum & non ante & durabit uſque ad proximum parliamentum & ſic deinde niſi in dicto prox' parliamento allegetur monſtretur & probetur cauſa rationabilis pro qua videbitur non expediens quod ordinatio predicta ſic perdurabit.

CAP. VI.

The King's Pardon granted to all Prieſts, as well Secular as Religious, of ſeveral Offences, Forfeitures, &c. *See Appendix.*

Statute

Statutes made at Weſtminſter, Anno 28 HEN. VI. *and* Anno Dom. 1449.

Ex Rot. in Turr. Lond.

AL honour de Dieu & de ſeint egliſe & pur les commune bien & profit de tout le Roialme d'Engleterre Noſtre Seignur le Roy HENRY puis le conqueſte ſiſme del advis & aſſent des Seignurs eſpirituelx & temporelx & a les eſpecialx inſtance & requeſt des Communes aſſemblez au ſon parlement tenuz a Weſtm' le ſiſme jour de Novemb' lan de ſon reigne xxviij^me par lauctorite de meſme le parlement ad ordeignez & eſtabliez certeins eſtatutz & ordenaunces par manere qe enſuit.

"TO the Honour of God and of holy Church, and for the common Wealth and Profit of all the Realm of *England*, our Lord the King, HENRY the Sixth after the Conqueſt, by Advice and Aſſent of the Lords Spiritual and Temporal, and at the ſpecial Inſtance and Requeſt of the Commons in the Parliament aſſembled of our Sovereign Lord the King that now is, holden at *Weſtminſter* the Sixth Day of *November*, the Eight and twentieth Year of his Reign, by Authority of the ſame Parliament, hath ordained and eſtabliſhed certain Ordinances and Statutes in Manner and Form following.'

CAP. I.

A Rehearſal and Confirmation for Seven Years of the Statute of 27 HEN. 6. *cap.* 1. prohibiting the Merchandiſes of *Holland*, *Zealand*, and *Brabant* to be brought into this Realm until *Engliſh* Cloth may be ſold there. EXP. 4 Ed. 4. c. 5.

CAP. II.

The Penalty for taking any Perſons Horſes or Cart without the Delivery of the Owner, or ſome Officer, or for taking Money to ſpare them. O E. 12 *Car.* 2. *c.* 24. 3 Ed. 1. c. 32. 20 R. 2. c. 5.

CAP. III.

The King's Pardon to thoſe that were Sheriffs or Clerks the laſt Year before, for occupying their Places above one Year, contrary to the Statute of 23 HEN. 6. *c.* 8. EXP.

CAP. IV.

Felony for any *Welſh* or *Lancaſhire* Man to take other Men, their Goods, or Chattles, under Colour of Diſtreſs, where they have no Cauſe. *See Appendix.*

CAP. V.

The Penalty of the Officers of the Cuſtoms, which by Colour of their Offices ſhall diſtrain any Man's Ships or Goods.

ITEM come diverſes baillifs de leaues ſercheours countroullours du ſerche & autres leur deputees & ſervauntz dedeins les portes de ceſt Roialme & en eſpeciall dedeins les portes de Fowey Plymmouth Dertmouth & Pole par colour de leur offices torceoúſment chargeont & priegnont ore de jour en autre par dureſſe de deſtreſſes & areſtes ſur les niefs barges ballengers & autres veſſeaulx biens & merchaundiſes des lieges du Roy merchauntz de ceſt dit Roialme & entre toutz autres ſur les lieges du dit Roy marchauntz de Gaſcoigne Guyan Irland Gerneſey & Gerſey en lour venaunt & alant en les ditz portz graundz chargez & impoſitions ceſtaſſavoir pur cheſcun pece de crececloth iiij. d. pur cheſcun centz de canvas vi. d. pur pois de cheſcun tonell de ferre xij. d. & aſcune foitz pluis & ſemblablement de toutz autres biens & merchaundiſes de les ditz lieges & dautres merchauntz damitee noſtre dit ſoveraigne Seignur le Roy & par tielx enjurioſez deſtreſſez areſtes charges & impoſitions empechent les ditz merchauntz franchement a

"ITEM, Whereas divers Waterbailiffs, Searchers, Comptrollers of the Search, and other their Deputies and Servants within the Ports of this Realm, and ſpecially within the Ports of *Fowey*, *Plymouth*, *Dartmouth*, and *Pool*, by Colour of their Offices daily do wrongfully take, by Conſtraint of Diſtreſſes, and Arreſts upon the Ships, Barges, Balengers, and other Veſſels, Goods, and Merchandiſes of the King's liege Merchants of this ſaid Realm, and among all other upon the King's liege Merchants of *Gaſcoign*, *Guien*, *Ireland*, *Guernſey*, and *Jerſey*, in their coming and going in the ſaid Ports, great Charges and Impoſitions, that is to ſay, for every Piece of Creſcloth iv. d. for every hundred of Canvas vi. d. for the Weight of every Ton of Iron xii. d. and ſometime more, and likewiſe of all other Goods and Merchants of the ſaid liege People, and other Merchandiſes of the King's Amity; and by ſuch wrongful Diſtreſſes, Arreſts, Charges, and Impoſitions, they do diſcourage the ſaid Merchants freely to come into this ſaid Realm, and to return,

" contrary to all Law and Conſcience, to the great " Prejudice of our ſaid Lord the King, in Loſs of his " Cuſtoms and Subſidies, and to the great Damage of " the ſaid Merchants and their Succeſſors, unleſs due " Remedy thereof be had in the ſame;" ' by Ad-
' vice, Aſſent, and Authority aforeſaid, it is ordained
' and eſtabliſhed, That the ſaid Merchants, and their
' Succeſſors, and every of them, of all ſuch Injuries,
' Diſtreſſes, Arreſts, Charges, and Impoſitions afore
' recited, to be made to them, or any of them, as well
' by ſuch Waterbailiffs, Searchers, and Comptrollers
' of the Search, as by Collectors of the ſaid Cuſtoms
' and Subſidies, Comptrollers of the ſame, Surveyors
' of the Cuſtoms and Subſidies, and of the Search-
' packers, or any other Officers, or their Deputies or
' Servants by their Commandment, or any of them
' hereafter, may have thereupon a general Writ of
' Treſpaſs againſt ſuch Offenders, and every of them,
' according to the Form of the Law, and to recover
' againſt them, and every of them thereof ſo convict-
' ed, Forty Pounds; and that the ſaid Merchants,
' their Succeſſors, and every of them ſo grieved as afore
' is ſaid, ſhall purſue the ſaid Writ of Treſpaſs againſt
' the ſaid Offenders, and every of them, for ſuch In-
' juries, Diſtreſſes, Arreſts, Charges, and Impoſitions
' ſo to be made as afore is ſaid, within two Months
' next after ſuch Injuries, Diſtreſſes, Arreſts, Charges
' and Impoſitions to be made by them, or any of them,
' as before is ſaid; and in caſe that the ſaid Mer-
' chants, their Succeſſors, or ſome of them, do not
' purſue the ſaid Writ of Treſpaſs of ſuch Injuries,
' Diſtreſſes, Arreſts, Charges, and Impoſitions aforeſaid,
' againſt the ſaid Offenders, nor any of them, within
' the ſaid two Months, that then it ſhall be lawful to
' every other Perſon of the King's liege People to
' purſue the ſaid Writ of Treſpaſs of ſuch Injuries,
' Diſtreſſes, Arreſts, Charges, and Impoſitions, to
' be made as is aforeſaid, againſt all ſuch Offenders,
' and every of them, according to the Form of the
' Law, and to recover againſt them, and every of
' them thereof ſo convict, forty Pounds, the King
' to have the one half, and he or they which will pur-
' ſue, the other half.'

The Remedy when an Officer of the Cuſtoms doth make any Diſtreſſes or Arreſt upon any Ships for an unlawful Cauſe.

Ex Rot. in Turr. Lond.

venir en ceſt dit Roialme & a paſſer encountre toutz leyes & conſcience outre toutz cuſtumes & ſubſidies duez a noſtre dit Seignour le Roy en anientiſment des ſes ditz cuſtumes & ſubſidies & en grand damage & arreriſment de les ditz merchauntz & lour ſucceſſours ſinon du remedie ent ne ſoit eue par advis aſſent & auctorite deſſuiſditz ordeignez eſt & eſtabliez qe les ditz merchauntz lour ſucceſſours & cheſcun deux de toutz tiels enjuriez deſtreſſes areſtes chargez & impoſitions deſuis recitez affaires a eux ou a aſcun deux ſibien par tielx baillifs del eaus ſercheours & countrollours de ſerche come par collectours des ditz cuſtumes & ſubſidies countrollours de les meſmes ſurveiours des cuſtumes & ſubſidies & du ſerche pakkers ou aſcuns autres officers lour deputees ou ſervauntz par lour commaundment ou aſcun deux enapres peuſſent avoir ſur ceo generall bref de treſpas encountre tielx meffaiſours & cheſcun deux ſolonc la fourme de ley & a recouverer encountre ceux & cheſcun deux enſi de ceo convictz xl. li' & qe lez ditz merchauntz lour ſucceſſours & cheſcun deux enſi grevez come devaunt eſt dit purſueront & purſuera le dit brief de treſpas encountre les ditz meffaiſours & cheſcun deux de tielx enjuries diſtreſſes areſtes charges & impoſitions ainſi affairez come devaunt eſt dit dedeins deux mois proſchein apres tielx enjuries deſtreſſes areſtes charges & impoſitions affaires par eux ou aſcun deux come devaunt eſt dit & en cas les ditz merchauntz lour ſucceſſours ou aſcun deux ne purſuent mie le dit brief de treſpas de tielx enjuries deſtreſſes areſtes charges & impoſitions deſſuiſditz encountre les ditz meffaiſours ne null deux dedeins les ditz deux mois qe lors il lirra a cheſcun autre perſone de les lieges du Roy a purſuer le dit brief de treſpas de tielx enjuries diſtreſſes areſtes charges & impoſitions affaires come devaunt eſt dit encountre toutz tielx meffaiſours & cheſcun deux ſolonc la fourme de ley & a recoverer encountre ceux & cheſcun de ceux enſi dent convictez xl. li.' le Roy davoir ent lune moitee & il ou ilz qi purſuer vorroiet ou vorroient lautre moite.

Statutes made at Weſtminſter, Anno 29 HEN. VI. *and* Anno Dom. 1450.

" OUR Sovereign Lord King HENRY the Sixth
" after the Conqueſt, at his Parliament holden
" at *Weſtminſter* in the Feaſt of St. *Leonard*,
" the Nine and twentieth Year of his Reign, by the
" Advice and Aſſent of the Lords Spiritual and Tem-
" poral, and at the Requeſt of the Commons in the
" ſame Parliament aſſembled, and by the Authority
" of the ſame, hath ordained and ſtabliſhed divers
" Ordinances and Statutes in the Form which fol-
" loweth."

Ex Rot. in Turr. Lond. *m.* 6.

NOSTRE ſoveraigne Seignur le Roi HENRY puis le conqueſte ſiſme a ſon parlement tenuz a Weſtm' en le feſt de ſeint Leonard lan de ſon reigne vint noveſme del advis & aſſent des Seignurs eſpirituelx & temporelx & a la requeſt des Communes en meſme le parlement aſſemblez & par lauctorite dicell ad ordeignez & eſtabliez diverſes ordenaunces & eſtatutz en la fourme qe enſeute.

CAP.

CAP. I.

In Turr. Lond.

John Cade attainted of Treaſon, and his Lands, Tenements, &c. given to the King, and his Blood corrupt. *See Appendix.*

CAP. II.

A Confirmation of the Statute of 2 HEN. 5. *Stat.* 1. *cap.* 6. ordained againſt them which break Truces and Safe Conducts, and appointing Conſervators of the ſame. EX

CAP. III.

All Letters Patents granted to the Citizens of *York* to exempt them from certain Offices, ſhall be void. The Penalty of a Citizen who ſhall purchaſe ſuch Exemption. PR.

Statutes made at Reading, Anno 31 HEN. VI. *and* Anno Dom. 1452.

Ex Rot. in Turr. Lond. *m.* 5.

AU parlement tenuz a Redyng le ſiſme jour de Marche lan du reigne noſtre Seignur le Roy HENRY vj^me puis le conqueſt xxxj^me meſme noſtre Seignur le Roy del advis & aſſent des Seignurs eſpirituelx & temporelx & lez Communes eſteantz en le dit parlement & par auctorite de meſme le parlement fiſt ordeigner & eſtablier divers ordenaunces & eſtatutes en les maner & fourme enſuantez.

"AT the Parliament holden at *Reading* the Sixth Day of *March*, the One and thirtieth Year of the Reign of our Lord King HENRY the Sixth after the Conqueſt, the ſame our Lord the King, by the Advice and Aſſent of the Lords Spiritual and Temporal, and the Commons being in the ſaid Parliament, and by Authority of the ſame Parliament, hath made, ordained, and ſtabliſhed divers Acts and Statutes in the Manner and Form following."

CAP. I.

John Cade ſhall be adjudged a Traitor, and all Indictments and Acts done by his Authority ſhall be void. *See Appendix.*

CAP. II.

The Penalties for thoſe who ſhall diſobey the King's Writs, &c. or not appear before his Council when warned by Proclamation. *See Appendix.*

CAP. III.

Attachments in the Eaſt and Weſt Marches ſhall be made in *Cumberland*, *Weſtmereland*, *Northumberland*, and the Town of *Newcaſtle* only. Rep. 4 Jac. 1. c. 1.

CAP. IV.

The Remedy for him who having a Safe Conduct is robbed upon the Sea.

ITEM noſtre dit ſoverayne Seignur le Roy par auctorite deſuiſdit ad ordeigne & eſtablie qe ſi aſcun de ſez ſubgiettz attempt ou offende ſur le meer ou en aſcun port dedeins le dit Roialme ſoubz lobeiſaunce du Roy encountre aſcun perſone ou perſones eſtranges eſteantz ſur le meer ou en aſcun port deſuiſdit per voye damyte liege ou treues ou par force du ſaufconduyt ou ſaufgarde du Roy en aſcun manere & en eſpeciall en attachant daſcun tiel eſtraunge perſone robbant ou deſpoillant de luy de nief ou aſcuns autres maners des biens ou en-

'ITEM our Sovereign Lord the King, by Authority aforeſaid hath ordained and eſtabliſhed, That if any of his Subjects attempt or offend upon the Sea, or in any Port within the ſaid Realm, under the King's Obeiſance, againſt any Perſon or Perſons Strangers, being upon the Sea, or any other Port aforeſaid by Way of Amity, League, or Truce, or by Force of the King's Safe Conduct or Safeguard in any wiſe, and eſpecially in attaching of any ſuch ſtrange Perſon, robbing or ſpoiling of him, his Ship, or any other Manner of Goods, or againſt any other Perſon. 15 *H.* 6. *c.* 3. 18 *H.* 6. *c.* 8. 20 *H.* 6. *c.* 1.

'Person of his liege People; the Chancellor of *England* for the Time being (as well for the Deliverance of any such Person so attached to be had, as to make Restitution to every such Person so robbed or spoiled of Ship or Goods, or of the Value thereof) shall have Authority, calling to him any of the Justices of the one Bench or of the other, upon a Bill or Bills of Complaint to him made in this Behalf, to make such Process out of the said Chancery, as well against all such Offenders, to bring them into the King's Chancery, there to answer to the Parties so grieved in this Behalf, as against any other Person or Persons to whose Hands any such Person so attached, Ship or Goods shall come, as for the Delivery and Restitution by them to be made of the same Person, Ship, and Goods, as shall seem to the same Chancellor most expedient and necessary. And upon this Process so made out of the said Chancery, the said Chancellor further to proceed in this Matter, if the Case do so require, by Advice of any such Justice, to make the Person and Persons Strangers so grieved to have full Delivery and Restitution of any such Person so attached, and of all such Ships and Goods, and also of all their Costs, Expences, and Losses disbursed and suffered by them in this Behalf, and thereupon to award all Manner of Execution out of the said Chancery, in such Sort as shall seem to the said Chancellor most expedient and necessary for such Delivery and Restitution to be had, calling to him any such Justice as afore is said. This Act to begin and take Effect the first Day of *May*, the two and thirtieth Year of the said King.'

2 R. 2. f. 2. 3 Bulstr. 28.

Confirmed by 14 Ed. 4. c. 4.

Ex Rot. in Turr. Lond.

countre ascun autre persone de son liege poeple le Chaunceller dEngleterre pur le temps esteant come pur la deliveraunce dascune tiel persone issint attache destre ewe & come pur restitution affaire a chescun tiel persone ensi robbe ou dispoile de nief ou biens ou de la value ent eit auctorite appellant a luy ascun des Justices de lune ou de lautre bank sur bille ou billes du compleint fait a luy en cest partie pur faire autiell processe hors de la dit Chauncellarie sibien encountre toutz tielx offendours a les amener en la Chauncerie du Roy illeoqes a respoundre as parties issint grevees en cest partie come encountre ascun autre persone ou persones as quelx mains ascun tiel persone issint attache nief ou biens serra ou serrount venuz come pur deliveraunce & restitution par eux affaires de mesmez les persone nief & biens come semblera a mesme le Chaunceller pluis expedient & necessarie. Et sur telle processe ensi fait hors de la dit Chauncellarie le dit Chaunceller plus avant a proceder en cell matier si le case ensi requiert par advis dascun tiel Justice de faire la persone & persones estranges issint greves davoir pleyn deliveraunce & restitution dascun tiel persone ensi attache & de toutz tielx niefs & biens & aussi de toutz leurs costes expenses & deperdes faitz & suffrez par eux en cest partie & tout maner dexecution sur ceo de faire hors de la dit Chauncerie en tiel fourme come semblera au dit Chaunceller plus expedient & necessarie pur tiel deliveraunce & restitution destre euez appellant a luy ascun tiel Justice come devant est dit. Cest acte a commencer & prendre effect le primer jour de Maij lan du dit Roy xxxij.

CAP. V.

No Customer, Comptroller, &c. shall have any Estate certain in his Office.

"ITEM, Whereas it was ordained by a Statute made in the Time of King RICHARD the Second, That no Searcher, Gauger of Wines, Aulneger, Finder[a], Weigher, Collector of Customs and Subsidies, or Comptroller, shall have Estate in his Office for Term of Life, or for Term of Years, but that the said Officers shall remain under the Government of the Treasurer of *England* for the Time being; and where it was ordained by the Statute made in the Time of King HENRY the Fourth, That the Aulnage of Cloths within this Realm, may be committed to Ferm, or in Approvement, according to the Direction of the Treasurer of *England* for the Time being, as in the said Statutes more fully is declared; yet that notwithstanding divers Persons have obtained the King's Letters Patents of the said Offices and Aulnage, some for Term of Life and some for Term of Years, to the great Prejudice of the King and of his People, and contrary to the said Statutes:" 'Our said Lord the King considering the Premisses, hath ordained by the Authority aforesaid, That all Letters Patents made of any of the said Offices or Aulnage to any Person, against the Effect of the said Statutes, shall be void, and of no Force; and that no Letters Patents of any of the said Offices, or Aulnage, shall be made hereafter, but by Warrant of Bill sealed by the Treasurer of *Eng-*

17 R. 2. c. 5.

[a] Tronour.

4 H. 4. c. 24.

Dyer 303.

ITEM qe come estoit ordeigne par lestatute fait en le temps du Roy RICHARD secund qe null sercheour gaugeour del vyne aulnour tronour poisour collectour des custumes & subsidies ou countrollour averoit estate en son office pur terme de vie ou terme des ans mes qe les ditz officez demurroient desoubz la governaunce du Tresorer dEngleterre pur le temps esteant auxi estoit ordeigne par lestatut fait en temps du Roy HENRY le quart qe launage de draps deins cest Roialme poet estre commis a ferme ou en approvement solonc ladvys du Tresorer dEngleterre pur le temps esteant come en les ditz estatutez plus plainement soit declare Unqore ceo nient obstant diversez persones ont opteignez lettres patentes du Roy des ditz offices & aulnage ascuns pur terme de vie & ascuns pur terme des ans au graunde prejudice du Roy & du people & encountre lez ditz estatutez. Nostre dit Seignur le Roy considerant les premisses ad ordeigne per auctorite desuisdit qe toutz lettres patentes faitz dascun des ditz offices ou aunage al ascun persone encountre leffectes de les ditz estatutez soient voides & de null force. Et qe nullz lettres patentes dascun des ditz offices ou aunage soient faitz en apres mes par garrant de bille enseale par le Tresorer dEngleterre pur le temps esteant envoiez

Ex Rot. in Turr. Lond.

voiez par luy en la Chauncellarie come il ad eſte accuſtume devaunt ceſt temps.

Et qe toutz lettres patentes faitz ou affaires en apres des ditz offices ou aulnage par autre garraunt qe par bille du Treſorer ſoient voidez & de null effect. Purveu toutz foitz qe ceſt acte nextende pas ne ſoit prejudiciall ne damageous a noſtre ſoverayn Dame la Roigne le Prince le Duc de Buk' as enheriters de HENRY jades Duc de Warr' ne as Maire & Comminalte de Loundres ne as les maire baillifs & comminalte de cite de Wyncheſtre come a aſcune graunte ou grauntes dimiſe ou dimiſes del aulnage ou aſcun graunte ou grauntes daſcun ſomme ou ſommes de money del ferme del aulnage a ceux grauntez faitz ou confermez ne a null countroller eiant aſcuns offices hors du portes du Roy ne a Johan Penycok eſquier a Gyles Seinclo eſquier ne a aſcun des meniall ſervauntes du Roy ne ſervauntez du Roigne daſcun graunte ou grauntes daſcun office ou offices fait a ceux devaunt ceſt temps ove les fees & gages de launcien temps duez & accuſtumez.

'land for the Time being, ſent by him into the Chancery, as it hath been accuſtomed before this Time.

'II. And that all Letters Patents made, or to be made hereafter, of the ſaid Offices or Aulnage, by other Warrant than by Bill of the Treaſurer, ſhall be void, and of no Effect. Provided always, That this Act ſhall not extend, nor be prejudicial nor hurtful to our Sovereign Lady the Queen, the Prince, the Duke of *Buckingham*, to the Inheritors of HENRY late Duke of *Warwick*, nor to the Mayor and Commonalty of *London*, nor to the Mayor, Bailiffs, and Commonalty of the City of *Wincheſter*, as to any Grant or Grants, Demiſe or Demiſes of the Aulnage, or any Grant or Grants of any Sum or Sums of Money of the Ferm of the Aulnage, to them granted, made, or confirmed, nor to any Comptroller having any Offices out of the King's Ports, nor to *John Penycok* Eſquire, nor to *Gyles Seinclo* Eſquire, nor to any of the King's or Queen's Houſhold Servants, of any Grant or Grants of any Office or Offices to them made before this Time, with the Fees and Wages of old Time due and accuſtomed.' 4 Inſt. 112. 14 R. 2. c. 10. 17 R. 2. c. 5. 1 H. 4. c. 13. 13 H. 4 c. 5.

See likewiſe 1 El. c. 11. *ſec.* 8. *which puts Cuſtomers under farther Reſtrictions.*

CAP. VI.

The Statute of 20 HEN. 6. *c.* 2. touching the Forfeiture of them which be outlawed in the County of *Lancaſter*, made perpetual. Rep. 33 H. 6. c. 2.

CAP. VII.

Fees, Wages, and Rewards due to the King's Officers, ſhall not be compriſed within the Statute of Refumption made in the Eight and twentieth Year of the King's Reign. EXP. 33 H. 6. f. 34. 9 Ed. 4. f. 1.

CAP. VIII.

A Confirmation of a Subſidy of Wooll, Woollfells, and Cloth tranſported, granted by a Statute ordained 31 HEN. 6. not printed. EXP.

CAP. IX.

A Remedy for a Woman inforced to be bound by Statute or Obligation.

ITEM qe come en touz parties de ceſt Roialme dyvers gens de poiar moevez de inſatiable covetyſe encountre tout droit gentilnes verite & bone conſcience ont labores & trovez novelx inventions & eux aſſeduouſment executes a lendaungeraunce trouble & mavailx traiter de toutz damez gentilx femmes & autres femmes eſteantz ſoulz ciantz aſcune ſubſtaunce des terres tenementes ou autres moebles biens deins ceſt dit reame entendauntz la graunte innocencie & ſimples de eux voillent prendre ceux par force ou autrement veinent a eux reſemblauntez eſtre lour treſgraundez amis promettantz eux leur foiall amite & iſſint par graunde diſſimilation ou autrement gaignent eux en lour poſſeſſion conveiauntz eux en autielx lieux ou lez ditz meffeiſours ſount de pluis poiar & qant aſcuns femmes par tielx moiens ou par aſcune autre moien ſont en leur governaunce la dit mavailx diſpoſe perſone ou perſones ne voillent ſuffrer eux daler a large & eſtre a leur libertee juſqes a ceo qe els voillent obliger ceux a les ditz meffaiſours ou autre perſone ou perſones a lour oeps en graundes ſommes par obligation ou obli-

"ITEM, Whereas in all Parts of this Realm diverſ People of great Power, moved with unſatiable Covetouſneſs, againſt all Right, Humanity, Integrity, and good Conſcience, have ſought and found new Inventions, and them continually do execute, to the Danger, Trouble, and great abuſing of all Ladies, Gentlewomen, and other Women ſole, having any Subſtance of Lands, Tenements, or other moveable Goods within this Realm, perceiving their great Weakneſs and Simplicity, will take them by Force, or otherwiſe come to them, ſeeming to be their great Friends, promiſing them their faithful Friendſhip, and ſo by great Diſſimulation, or otherwiſe, get them into their Poſſeſſion, conveying them into ſuch Places where the ſaid Offenders be of moſt Power; and when any Women by ſuch Means, or by any other Means be in their Government, the ſaid evil diſpoſed Perſon or Perſons will not ſuffer them to go at large, and be at their Liberty, until that they will bind themſelves to the ſaid Offenders, or other Perſon or Perſons to their Uſe, in great Sums, by Obligation or Obli- 3 Inſt. 60.

" gations,

" gations, as well ſimple as conditional, or by Obli-
" gation or Obligations of Statute-merchant, made
" before a Mayor or Bailiff, having Power to take
" ſuch Recogniſances.

" II. Alſo they will many Times compel them to
" be married by them, contrary to their own Likings,
" or otherwiſe they will levy the ſaid Sum or Sums on
" their Lands and Goods, and put their Perſon or Per-
" ſons in Danger, to their great Damage, which hath
" been, and is like to be an univerſal Prejudice to
" the Law of holy Church, and the Law of this
" Realm, unleſs due Remedy thereupon be provided."

' Our ſaid Lord the King, conſidering the Premiſſes,
' hath ordained and ſtabliſhed, by Authority of this pre-
' ſent Parliament, That in all ſuch Caſes aforeſaid, the
' Party bound may have a Writ out of the Chauncery,
' containing all the Matter of their unreaſonable In-
' treaty, directed to the Sheriff of the County where
' any ſuch Offences were ſo done, or after ſhall be
' done, commanding him, that he, by Force of this
' Writ, make Proclamation in the full County, and
' in the next County Court after the Receipt of the
' ſaid Writ, that the Perſon or Perſons contained in
' the ſaid Writ ſhall appear at a certain Day and Place
' prefixed in the ſaid Writ, before the Chauncellor of
' *England* for the Time being, or otherwiſe before the
' Juſtices of Aſſiſe in the Counties where the ſaid Of-
' fences were done, or elſe before ſome other notable
' Perſon to be aſſigned by the Chancellor of *England*
' for the Time being; at the which Day and Place,
' if the ſaid Parties appear, that then the ſaid Chan-
' cellor of *England*, Juſtice, or other Perſon ſo to be
' aſſigned by the Chancellor for the Time being, by
' Virtue of this Ordinance, ſhall duly examine the ſaid
' Parties upon the Premiſſes; by which Examina-
' tion, if they can find the ſaid Obligation or Obli-
' gations, or any of them, ſo to be made as is
' aforeſaid, that then the ſaid Obligation or Obli-
' gations, and all Proceſs and Execution ſued, or to
' be purſued thereupon, ſhall be void, and of no Force
' nor Effect. And if it be found by Examination
' before them, that the ſaid Obligation or Obligations,
' or any of them, were made, or ſhall be found to be
' made, for a true Duty, and by no ſuch Means as
' afore is ſaid, that then the ſaid Obligation or Obli-
' gations, and all the Proceſs and Execution ſued,
' or to be purſued thereupon, ſhall ſtand good and
' effectual. And if it be ſo that the Perſon or
' Perſons in ſuch Writs named, or to be named,
' againſt whom any ſuch Writs hereafter ſhall
' be ſued, make Default at the Day and Place
' limited in the ſame Writ or Writs, that then all
' ſuch Obligation or Obligations as be before ſpecified
' and declared, and in the ſaid Writ or Writs expreſſed,
' declared, and ſpecified, and all Manner of Proceſs
' and Execution ſued, or to be ſued thereupon, ſhall
' be void, and of no Force nor Effect; and that
' the ſaid Sheriff or Sheriffs, to whom ſuch Writ or
' Writs upon this Ordinaunce hereafter commenced,
' ſhall be directed, ſhall execute the ſaid Writs ac-
' cording to the Tenour of the ſame, upon Pain of
' Three hundred Pounds, whereof our Sovereign Lord
' the King to have the one Half, and the other Half
' to the Party which ſhall ſue the ſaid Writ of Procla-

The Forfeiture of the Sheriff which doth not execute the King's Writ of Proclamation.

Ex Rot. in Turr. Lond.

gations ſibien ſymplez come conditionelx ou par obligation ou obligations deſtatute merchaunt faitz devaunt maire ou baillif eiant poiar a prendre tielx reconiſauntz.

Auxi multz foitz ils voillent compeller eux deſtre maries par eux contrarie a lour propre deſire ou autrement ils voillent faire lever la dit ſomme ou ſommes de lour terres & biens & dendaunger lour perſone ou perſones a leur treſgraunde damage qe ad eſte & eſt ſemblable eſtre univerſall prejudice al ley del egliſe & la ley de ceſt Roialme ſaunz ceo qe due remedie ſur ceo ſoit purveu. Noſtre dit Seignur le Roy conſiderant les premiſſez ad ordeigne & eſtablie par lauctorite de ceſt preſent parlement qe en toutz tielx caſes deſuiſditz la partie oblige poet avoir brief hors del Chauncerie conteignant tout la matier de leur dereſonable entraiter direct al viſcount del counte ou aſcuns tielx offenſes feurent enſi faitz ou en apres ſerrount faitz commaundant luy qe il par force de cell brief face proclamation en le plein counte en le proſchein counte puis la reſceipt de le dit brief qe la perſone ou perſones conteignuz en le dit brief appierge ou appiergent as certeinz jour & lieu prefixez en le dit brief devaunt le Chaunceller dEngleterre pur le temps eſteant ou autrement devaunt les Juſtices dez aſſiſe en lez ditz counteez ou les ditz offenſes furent faitz ou autrement devaunt aſcun autre notable perſone daſſigner par la Chaunceller dEngleterre pur le temps eſteant as queux jour & lieu ſi les ditz partiez appierent qe lors le dit Chaunceller Juſtice ou autre perſone enſi daſſignier par le dit Chaunceller pur le temps eſteant par vertue de ceſt ordenaunce face examiner duement les ditz parties ſur ceſtez premiſſez par quell examination ſils poient trover la dit obligation ou obligations ou aſcun de eux eſtre faitz tielment come deſuis eſt dit qe donqe la dit obligation ou obligations & tout proceſſe & execution ſuez ou a purſuers ſur ceo ſoient voidez & de null effect. Et ſil ſoit trove par examination devaunt eux qe la dit obligation ou obligations ou aſcune de eux furent faitz ou ſerront trovez faitz pur verraie duete & per null tiel moien come devaunt eſt dit qe donqe la dit obligation ou obligations & tout le proceſſe & execution ſuez ou a purſuers ſur ceo eſtoiſent bonez & effectuelx. Et ſil enſi ſoit qe la perſone ou perſones en tielx briefs nommes ou a nommers encountre qel ou qelx aſcun tielx briefs enapres ſerront ſuez facent ou face defaulte a lez jour & lieu limitez en meſme le brief ou briefs qe adonqes toutz tiel obligation ou obligations come ſoient devaunt eſpecifiez & en le dit brief ou briefs expreſſez & tout maner proceſſe & execution ſuez ou a purſuers ſur ceo ſoient voidez & qe le viſcount ou viſcountes a queux tiel brief ou briefs ſur ceſt ordenaunce en apres deſtre conceups ſerra ou ſerront directes face executer lez ditz briefs accorddaunt al tenure diceux ſur peine de trois centz liverez dount le Roy noſtre ſoverayn Seignur davoir lune moite & lautre moite a la partie qe ſuera le dit brief de proclamation. Et qe la dit partie

iſſint

Ex Rot. in Turr. Lond.

iſſint greve poiet avoir action de dette en cheſcun tiel cas encountre le dit viſcount pur la moitee dez ditz trois centz liverez iſſint forfaitz ove proceſſe del utlagarie. Et qe la partie ou parties defendantz en aſcun tiel action de cy en apres encountre aſcun viſcount ou viſcountez a purſuers allegera null protection ne gaigera ſa ley ne ſerra reſceu affaire ou pleder aſcun forein plee deſtre trie en aſcun autre lieu qe la le ſuiſdit brief foundu ſur ceſt ordenaunce eſt ſuez.

'mation. And that the ſaid Party ſo grieved 'may have an Action of Debt in every ſuch Caſe 'againſt the ſaid Sheriff, for the Half of the ſaid Three 'hundred Pounds ſo forfeit, with Proceſs of Out-'lawry. And that the Party or Parties Defen-'dants in any ſuch Action hereafter to be purſued 'againſt any Sheriff or Sheriffs, ſhall alledge no Pro-'tection, nor ſhall wage his Law, nor ſhall be re-'ceived to make or plead any foreign Plea, to be tried 'in any other Place than there where the ſaid Writ 'grounded upon this Statute is ſued.'

Statutes made at Weſtminſter, Anno 33 HEN. VI. *and* Anno Dom. 1455.

Ex Rot. in Turr. Lond. *m.* 3.

HENRICUS Dei gratia Rex Anglie & Francie & Dominus Hibernie poſt conqueſtum ſextus ad parliamentum ſuum apud Weſtm' nono die Julii anno regni ſui triceſimo tertio tentum de aviſamento & aſſenſu dominorum ſpiritualium & temporalium ac Communitatis regni ſui Anglie in eodem parliamento exiſtentium nec non auctoritate ejuſdem parliamenti quedam ordinationes & ſtatuta pro communi utilitate ejuſdem regni fieri & ſtabiliri fecit & ordinavit in forma ſequenti.

"HENRY by the Grace of GOD King of *England* and *France*, and Lord of *Ireland*, the "Sixth after the Conqueſt, at his Parliament "holden at *Weſtminſter* the Ninth Day of *July*, the "Three and thirtieth Year of his Reign, by the Advice "and Aſſent of the Lords Spiritual and Temporal, and "the Commons of his Realm of *England*, being in "the ſame Parliament, and by Authority of the ſame "Parliament, made and ordained certain Ordinances "and Statutes, for the common Wealth of the ſame "Realm, in the Form following.'

CAP. I.

A Remedy for Executors againſt Servants that imbezzle their Maſter's Goods after his Death.

IN primis prefatus Dominus Rex conſiderans qualiter jampridem diverſi ſervientes familiares tam dominorum quam aliarum perſonarum boni gradus cito poſt mortem dictorum dominorum & magiſtrorum ſuorum bona que fuerunt ipſorum dominorum & magiſtrorum tempore mortis eorundem violenter & riotoſe ceperunt diſpoliaverunt & ea inter ſe diſtribuerunt in executionis voluntatis dictorum dominorum & magiſtrorum ſuorum impedimentum ac gravem Dei diſplicentiam nec non contra fidem & veritatem quas ipſi penes dominos & magiſtros ſuos habere debuiſſent exemplumque impoſterum valde periculoſum niſi debitum in ea parte provideatur remedium. Quamobrem idem dominus Rex de aviſamento aſſenſu & auctoritate predictis ordinavit & ſtabilivit quod poſt plenam informationem Cancellario Anglie pro tempore exiſtenti per executores aliquorum hujuſmodi dominorum ſive perſone aut duos eorundem executorum factam de aliqua hujuſmodi riota captura & diſpoliatione factis aut impoſterum faciendis per familiares ſervientes dicti teſtatoris ſui poſt mortem ſuam idem Cancellarius de aviſamento Capitalium Juſticiariorum de Banco ipſius Domini Regis & de communi Banco ac Capitalis Baronis Scaccarii pro tempore exiſtentis aut duorum eorum habeat poteſtatem faciendi tot & talia brevia diri-

"FIRST, our foreſaid Lord the King conſidering "how that of late Time divers Houſhold-Ser-"vants, as well of Lords, as of other Perſons of "good Degree, ſhortly after the Death of their ſaid "Lords and Maſters, violently and riotouſly have "taken and ſpoiled the Goods which were of their "ſaid Lords and Maſters, at the Time of their Death, "and the ſame diſtributed amongſt them, to the Im-"pediment of the Execution of the Will of their "ſaid Lords and Maſters, and to the great Diſplea-"ſure of GOD, and alſo contrary to the Duty and "Truth which they ought to have had towards their "ſaid Lords and Maſters, and to a perilous Example "in Time to come, unleſs due Remedy in this Behalf "be provided." 'Wherefore the ſame Lord the 'King, by the Advice, Aſſent, and Authority afore-'ſaid, hath ordained and eſtabliſhed, That after full 'Information made to the Chancellor of *England* for 'the Time being, by the Executors of any ſuch 'Lord or Perſon, or two of the ſaid Executors, of 'ſuch Riot, Taking, and Spoil made, or hereafter to 'be made, by the Houſhold-Servants of their or his 'ſaid Teſtator after his Death, the ſame Chancellor, 'by the Advice of the Chief Juſtices of the King's 'Bench, and of the Common Bench, and Chief 'Baron of the Exchequer for the Time being, or 'two of them, ſhall have Power to make ſo many,

3 Inſt. 104. Qu. If in Uſe? See 33 H. 6. c. 7. Raſt. Ent. 29. c.

'and such Writs, to be directed to such Sheriffs by 'their Discretion, as to them in this Behalf shall 'seem necessary, to make open Proclamation in such 'Cities, Boroughs, Towns, or Places, two Market-'Days within Twelve Days next after the Deli-'very of the same Writs, as to the same Chancellor, 'by the Advice aforesaid, shall seem reasonable, That 'the said Offenders shall appear before the same our 'Lord the King, or his Heirs, in his Bench, at such 'a Day as by the said Writ shall be limited, so that 'the said last Proclamation be made by Fifteen Days 'before the same Day of Appearance; and if any 'such Writ be returned at the Day contained in the 'said Writ, and the Writ be executed, that Procla-'mation is thereupon had and made according to the 'said Ordinance, and then if the said Person or Per-'sons, which should appear by reason of the said 'Proclamation, make Default at the Day specified in 'the said Writ, and do not appear, then he or they 'so making Default shall be attainted of Felony.'

'II. And if any such Persons or Person do appear 'at the same Day, then the Justices of the said King's 'Bench shall have Power, by the said Ordinance, to 'commit such Person or Persons, so appearing, to 'Prison, there to remain according to the said Justices 'Discretion, until the said Offenders in the said Bench 'do answer to the said Executors in such Actions, 'which the said Executors will declare against them, 'or any of them, by Bill or by Writ, for the Riot, 'taking, and spoiling aforesaid, and that the same 'Actions be determined; so that the same Actions 'be pursued with Effect, and not slackly, to the In-'tent to keep the same Person or Persons in Prison.'

A Gaoler's Forfeiture for setting at Liberty a Prisoner committed to his Custody by Force of this Statute.

'III. And if such Persons or Person be set at Li-'berty out of Prison by the said Justices, that then the 'same Persons or Person shall find sufficient Persons 'to be bounden with them to the said Executors, by 'Way of Recognisance in the said Bench, by Discre-'tion of the Justices, to keep such Days as he or they 'shall have by the same Court; and if the Keepers 'of the Prison, whereunto the said Person or Persons 'be committed, do let them go at large out of the Pri-'son of his own Authority, without the Considera-'tion and Order of the said Justices, then the said 'Keeper shall forfeit and lose Forty [*four hundred*] 'Pounds to the said Executors; and that no Protec-'tion be allowed in any Action to be taken upon the 'said Ordinance.'

Ex Rot. in Turr. Lond.

genda talibus vicecomitibus per eorum discretionem quot & qualia eis in ea parte videbuntur necessaria ad faciend' publicam proclamationem in talibus civitatibus burgis sive villis duobus diebus mercatoriis infra duodecim dies prox' post deliberationem eorundem brevium quibus eidem Cancellario de avisamento predicto videbitur rationabile quod dicti malefactores compareant coram ipso Domino Rege seu heredibus suis in Banco suo ad talem diem qualis per dictum breve erit limitatus sic quod dicta ultima proclamatio per quindecim dies ante eundem diem apparitionis fiat. Et si aliquod hujusmodi breve retornatum sit ad diem in eodem brevi contentum & breve sit executum quod proclamatio superinde habita & facta ordinationi predicte concordans existat & tunc si dicte persone vel persona que comparerent vel compareret ratione dicte proclamationis ad diem in dicto brevi specificatum defaltam faciant vel faciat & non compareant vel non compareat ipse vel ipsa defaltam sic facientes vel faciens sint vel sit attinct' de felonia.

Et si hujusmodi persone vel persona ad talem diem compareant vel compareat tunc Justiciarii de dicto Banco Domini Regis habeant potestatem per ordinationem predictam committendi talem personam vel personas sic comparentem vel comparentes prisone ibidem juxta discretionem dictorum Justiciariorum moratur' quousque dicti malefactores in banco predicto prefatis executoribus respondeant in talibus actionibus quales dicti executores versus ipsos seu aliquem ipsorum per billam vel per breve pro riota captura & dispoliatione predictis declarare volunt & quod eedem actiones sint determinate Ita quod actiones predicte prosequantur cum effectu & non remisse ea intentione ad dictas personas vel personam in prisona custodiend'.

Et si hujusmodi persone vel persona extra prisonam per dictos Justiciarios fuerint vel fuerit elargat' quod tunc eedem persone vel persona inveniant vel inveniat sufficientes personas secum obligandas prefatis executoribus per viam recognitionis in dicto Banco per discretionem Justitiariorum ad custodiend' tales dies quales ipsa vel ipse habebit vel habebunt per eandem Curiam. Et si custodes prisone ubi dicte persone vel persona committentur vel committetur ipsas extra prisonam auctoritate sua propria absque consideratione & ordinatione dictorum Justiciariorum elargaverint tunc dictus custos quadringentas libras prefatis executoribus forisfaciat & perdat & quod nulla protectio in aliqua actione super ordinatione predicta capienda allocetur.

CAP. II.

Jurors in an Indictment in the County Palatine of *Lancaster*. Of a Foreigner dwelling in another County.

A Rehearsal of the Statute of 20 H. 6. c. 2. & 31 H. 6. c. 6. that they which be outlawed in the County of *Lancaster* shall forfeit no Lands

"ITEM, Because that the humble and faithful "liege People of the King, his Subjects inhabi-"ting within the County Palatine of *Lancaster*, to "do the King Service be and at all Times were "ready, and have done to him and his Progenitors, "as well in the Realm of *England*, as in the Realm of "*Scotland*, *France*, and other Parts, and have been

ITEM pro eo quod humiles & fideles ligei & subditi regii infra comitatum palatinum Lancastrie inhabitantes servitium Domino Regi impensuri sunt & cunctis temporibus fuerunt parati ac etiam sibi & progenitoribus suis impenderunt tam in regno Anglie quam in Scotia Francia & aliis partibus ac sub legibus regiis gubernati & non per

eosdem

Ex Rot. in Turr. Lond.

eaſdem aliter quam alii ligei regii extra dictum comitatum in regno predicto inhabitantes dampnificati quouſque jam noviter per quendam actum ad ultimum parliamentum apud Redyng tentum extiterit ordinatum quod nulle perſone ligeorum dicti domini regis contra quas aliquod exigendum eſſet adjudicatum aut utlagaria pronunciata ad ſectam Regis vel ad ſectam partis in dicto comitatu foriſfacerent aliqua bona ſive catalla terras & tenementa in aliquo alio comitatu ſet ſolummodo bona & catalla terras & tenementa que perſone ſic utlagate aut ipſe contra quas hujuſmodi exigend' adjudicarentur in dicto comitatu habent in eodem comitatu Lancaſtrie ac ratione alicujus hujuſmodi utlagarie ad ſectam Regis & ad ſectam alicujus alterius perſone pronunciate infra eundem comitatum non eſſent barrate neque inhabilitate de quacunque actione neque ad clamand' qualemcunque hereditatem extra eundem comitatum nec inhabilitate ad proſequend' quamcunque actionem [neque ad clamand' qualemcunque hereditatem extra eundem comitatum nec inhabilitate ad proſequend' quamcunque actionem extra eundem comitatum] non obſtante hujuſmodi utlagaria contra ipſas pronunciata prout in eodem actu plenius apparet.

Ac ratione ejuſdem actus ſi aliquis forinſecus in dictum comitatum palatinum veniret & aliquem ligeorum domini Regis interficeret aut aliter aliquam proditionem murdrum raptum roberiam ſeu aliquam aliam feloniam ſive tranſgreſſionem perpetraret ſive aliquem contractum faceret vel aliquam aliam offenſam committeret infra dictum comitatum Lancaſtrie quod tunc ipſe nullam aliam punitionem neque forisfacturam in hac parte haberet niſi ſolummodo de hujuſmodi bonis que hujuſmodi forinſeci tales horribiles offenſas perpetrantes & committentes infra dictum comitatum palatinum habent qui pro majori parte nichil infra eundem comitatum habent qua de cauſa dictis forinſecis ſcientibus nullum periculum punitionem neque deperditum bonorum in lege ad refrenandum ſive reſtringendum ipſos de hujuſmodi proditionibus murdris & feloniis eos talia perpetrare infra dictum comitatum cauſat & indies audaciam prebet contra leges coronam & dignitatem regias in ea parte ac etiam in reſtrictione legum dicti Domini Regis ad grave dampnum ac finalem deſtructionem dictorum ſubditorum nec non ligeorum in comitatu palatino predicto. Quapropter prefatus Dominus Rex premiſſa conſiderans de aviſamento aſſenſu & auctoritate predictis voluit conceſſit ordinavit & ſtabilivit quod dictus actus ſuperius recitatus & ad dictum ultimum parliamentum apud Redyng editus adnulleter vacuetur & nullius vigoris exiſtat. Et ulterius pro conſervatione tranquillitate quiete & pace omnium ligeorum ſuorum tam infra dictum comitatum palatinum quam aliorum ligeorum ſuorum extra comitatum predictum infra regnum Anglie idem Dominus Rex auctoritate predicta conceſſit ordinavit & ſtabilivit quod quodlibet indictamentum tempore futuro capiendum coram aliquo Juſtitiario dicti Domini Regis infra dictum comitatum palatinum Lancaſtrie aut coram aliquo vicecomite in turno ſuo in comitatu predicto per quod aliqua perſona vel perſone ſuppoſit' per idem indictamentum eſſe vel fuiſſe inha-

" governed by the King's Laws, and not damnified by the ſame, otherwiſe than other of the King's liege People inhabiting in the Realm of *England* out of the ſame County, until now of late by a certain Statute at the laſt Parliament holden at *Reading*, it was ordained and eſtabliſhed, That none of the King's liege People, againſt whom any Exigent ſhould be awarded, or Outlagary pronounced at the Suit of the King or of the Party in the ſaid County, ſhould forfeit any Goods or Chattles, Lands or Tenements in any County, but only the Goods and Chattles, Lands and Tenements, which the Perſons ſo outlawed, or they againſt whom any ſuch Exigent in the ſaid County ſhould be awarded, have in the ſame County of *Lancaſter*, and by Reaſon of any ſuch Outlagary at the Suit of the King, or at the Suit of the Party, pronounced within the ſame County, ſhould not be barred or diſabled of any Manner of Action, nor to claim any Manner of Inheritance out of the ſame County, notwithſtanding any Outlawry againſt them pronounced, as in the ſame Act doth more plainly appear.

nor Goods that they have in other Counties. Qu. If in Uſe. See 23 H. 6. c. 7. ad finem.

" II. And by reaſon of the ſame Act, if any Foreigner ſhould come into the ſaid County Palatine, and ſhould ſlay any of the liege People of our Lord the King, or ſhould commit any Treaſon, Murder, Rape, Robbery, or other Felony or Treſpaſs, or make any Contract, or do any other Offence within the ſaid County of *Lancaſter*, that then he ſhould have no other Puniſhment nor Forfeiture in this Behalf, but only of ſuch Goods which ſuch Foreigners, doing and committing ſuch horrible Offences, have within the ſaid County Palatine, which for the moſt Part have nothing within the ſame County; for which Cauſe the ſaid Foreigners, knowing no Peril, Puniſhment, nor Loſs of Goods in the Law, to refrain or reſtrain them of ſuch Treaſons, Murders, and Felonies, be the more encouraged daily to commit the ſame within the ſaid County, and giveth them Audacity daily to offend againſt the Laws of the King, his Crown and Dignity, and alſo in Reſtraint of the King's Laws, to the great Loſs and final Deſtruction of the ſaid liege People and Subjects in the ſaid County Palatine." ' Wherefore the foreſaid Lord the ' King conſidering the Premiſſes, by the Advice, Aſſent, and Authority aforeſaid, hath willed, granted, ' and eſtabliſhed, That the Act before rehearſed ' and made at the ſaid laſt Parliament holden at ' *Reading*, ſhall be adnulled, void, and ſtand in no ' Force. And further, for the Conſervation, Tranquillity, Quietneſs, and Peace of all his liege People, as well within the ſaid County Palatine, as of ' other his liege People out of the ſaid County within the Realm of *England*, the ſame Lord the King, ' by Authority aforeſaid, hath granted, ordained, and ' ſtabliſhed, That every Indictment hereafter to be ' taken before any of the King's Juſtices in the ſaid ' County Palatine of *Lancaſter*, or before any Sheriff ' in his Tourn in the ſaid County, whereby any Perſon or Perſons be ſuppoſed by the ſame Indictment ' to be or to have been inhabiting or converſant out ' of

The Inconveniencies enſuing by the ſaid Statute of 31 H. 6. c. 6.

A Repeal of the aforeſaid Statute.

'of the said County of *Lancaster*, and within any 'other County within the Realm of *England*, shall 'be taken and had by the Verdict of twelve Men, 'whereof every of them, or some other Person or 'Persons to their Use, within the same County of '*Lancaster*, shall have to the yearly Value of an hun-
Of what Estate those Jurors must be, who shall indict in the County of *Lancaster* a Foreigner dwelling in another County.
'dred Shillings. And no Process shall be made out 'of any such Indictment, before it be duly inquired 'and examined before the King's Justices within the 'said County of *Lancaster* for the Time being, whe-'ther the said Indictors, and every of them, at the 'Time of such Indictment so taken, had Lands and 'Tenements within the said County of *Lancaster*, 'to the yearly Value of an hundred Shillings above 'all Charges. And if it be found by Examination 'of the said Justices for the Time being within the 'said County, that the said Indictors, and every of 'them, at the Time of such Indictment so taken, 'had not Lands and Tenements to the yearly Value 'aforesaid, that then the same Indictments, as to such 'Persons so indicted supposed by the said Indictments 'to be inhabiting and conversant out of the said 'County of *Lancaster*, shall be void and of no Effect.
Of what Estate those Jurors must be, who shall indict in another County any Person dwelling in the County of *Lancaster*.
'And also the same Lord the King, of the Advice 'and Authority aforesaid, hath granted, ordained, 'and established, That every Indictment from hence-'forth to be taken within any County of the said 'Realm, and out of the said County of *Lancaster*, 'before any Justice, or the Sheriff in his Tourn, 'whereby any Person or Persons supposed by the same 'Indictment to be or to have been conversant or in-'habiting within the said County of *Lancaster*, and 'without such County where such Indictments shall 'happen to be taken, shall be taken by Verdict of 'twelve Men, whereof every of them, or some other 'Person or Persons to their Use, shall have Lands 'and Tenements within the same County where the 'said Indictments shall be taken, to the yearly Value 'of an hundred Shillings. And that no Process be 'made out of any such Indictments before it be duly 'examined and inquired before the King's Justices, 'having Power to award any Process upon such In-'dictments, whether the said Indictors, and every of 'them, at the Time of such Indictments taken, or 'any other Person or Persons to their Use, had any 'Lands or Tenements to the yearly Value of an hun-'dred Shillings within the same County, above all 'Charges, where such Indictments happen to be 'taken. And if it be found before our Lord the 'King, or any of his Justices, that the said Indictors, 'or any of them, had not at the Time of such Indict-'ments taken, nor that none other to their Use, had 'Lands and Tenements to the Value of an hundred 'Shillings by Year, that then the said Indictment, 'as to any such Person or Persons supposed by the 'same Indictment to be or to have been inhabiting 'or conversant within the said County of *Lancaster*, 'shall be void and of no Effect.'

Ex Rot. in Turr. Lond.

bitan' sive conversan' extra dictum comitatum Lancastrie & infra aliquem alium comitatum infra regnum Anglie capietur & habebitur per veredictum duodecim virorum quolibet eorum habente terras & tenementa aut aliqua alia persona vel personis ad eorum usum infra eundem comitatum Lancastrie ad annuum valorem centum solidorum. Et nullus processus fiet extra aliquod hujusmodi indictamentum antequam debite inquiratur & examinetur coram Justitiariis dicti Domini Regis infra dictum comitatum Lancastrie pro tempore existentibus utrum predicti indictatores & eorum quilibet tempore hujusmodi indictamenti terras & tenementa infra dictum comitatum Lancastrie ad annuum valorem centum solidorum ultra omnia onera habuerunt & habuit. Et si inveniatur per examinationem dictorum Justitiariorum pro tempore existentium infra dictum comitatum quod indictatores predicti & eorum quilibet tempore hujusmodi indictamenti sic capti terras & tenementa ad annuum valorem supradictum non habuerunt quod tunc idem indictamentum quoad hujusmodi personam vel personas sic indictat' supposit' per dicta indictamenta esse inhabitant' vel conversant' extra dictum comitatum Lancastrie vacuum & nullius effectus existat. Ac etiam idem Dominus Rex de avisamento & auctoritate predictis voluit concessit ordinavit & stabilivit quod quodlibet indictamentum tempore futuro capiendum infra aliquem comitatum dicti regni sui & extra dictum comitatum Lancastrie coram aliquo justitiario vel vicecomite in turno suo per quod aliqua persona vel persone supposit' per idem indictamentum esse vel fuisse inhabitan' vel conversan' infra dictum comitatum Lancastrie & extra talem comitatum ubi hujusmodi indictamenta capi contigerint capietur per veredictum duodecim virorum quolibet eorum habente terras & tenementa aut aliqua alia persona vel personis ad eorum usum infra eundem comitatum ubi indictamenta predicta capiuntur ad annuum valorem centum solidorum. Et quod nullus processus fiet extra aliqua hujusmodi indictamenta antequam debite examinetur & inquiratur coram Justitiariis ipsius Domini Regis habentibus potestatem adjudicandi aliquem processum super hujusmodi indictamenta utrum indictatores predicti & eorum quilibet tempore hujusmodi indictamentorum captorum habuerunt terras & tenementa aut aliqua alia persona vel persone ad eorum usum ad annuum valorem centum solidorum infra eundem comitatum ultra omnia onera ubi hujusmodi indictamenta capi contingunt. Et si inveniatur coram Domino Rege vel coram aliquo justitiariorum suorum quod dicti indictatores aut aliquis ipsorum tempore hujusmodi indictamenti sic capti non habuerunt vel non habuit nec aliquis ad eorum usum habuit terras & tenementa ad valorem centum solidorum per annum quod tunc indictamentum predictum quoad aliquam hujusmodi aliam personam vel personas supposit' per hujusmodi indictament' esse vel fuisse inhabitant' sive conversant' infra dictum comitatum Lancastrie vacuum & nullius effectus existat.

CAP.

CAP. III.

In Turr. Lond.

A Remedy for ſeveral Extortions committed by the Officers of the Exchequer. *See Appendix.*

CAP. IV.

No Perſon brewing Ale or Beer in *Kent* to be ſold, ſhall, during five Years, make above an Hundred Quarters of Malt to his own Uſe. *See Appendix.*

CAP. V.

No wrought Silk belonging to the Myſtery of Silkwomen ſhall be brought into this Realm by the Way of Merchandiſe, during five Years.

CAP. VI.

Certain Privileges granted to the Abbot of *Fountain* in the County of *York*. *See Appendix.*

CAP. VII.

How many Attornies may be in *Norfolk*, how many in *Suffolk*, and in *Norwich*.

ITEM cum de tempore a diu non elapſo infra civitatem Norwici & comitatus Norffolcie & Suffolcie niſi ſex vel octo communes attornati ad cur' Domini Regis divertentes ad maximum extitiſſent quo tempore magna tranquillitas in dictis civitate & comitatibus regnabat parvaque tribulatio ſeu vexatio per ſectas minus veras vel forinſecas habebatur Jamque ita eſt quod in dictis civitate & comitatibus quater viginti attornati vel plures exiſtunt majore parte ipſorum non habente aliquod aliud vivere ſet ſolummodo lucrum ſuum per dictam occupationem attornat' Ac etiam majore parte ipſorum non exiſtente de ſufficienti ſcientia eſſendi attornat' qui ad unamquamque feriam mercatum & alia loca ubi populi congregatio exiſtit declinant populum exortantes procurantes moventes & excitantes ad ſectas minus veras ſectas forinſecas ſectas pro parvis tranſgreſſionibus parvis offenſis & parvis ſummis de debito capiendis quorum actiones ſunt triabiles & determinabiles in curiis baronum unde quamplures ſecte potius ex mala voluntate & malitia quam ex rei veritate procedunt in dictorum inhabitantium civitatis & comitatuum predictorum vexationem multiplicem dampnaque non modica necnon omnium curiarum baronum in dictis comitatibus diminutionem perpetuam niſi de remedio in hac parte congruo provideatur. Prefatus Dominus Rex premiſſa conſiderans de aviſamento aſſenſu & auctoritate predictis ordinavit & ſtabilivit quod totis temporibus futuris ſint niſi ſex communes attornati in dicto comitatu Norffolcie & ſex communes attornati in dicto comitatu Suffolcie & duo communes attornati in dicta civitate Norwici fore attornat' in cur' de recordo & quod omnes predicti quatuordecim attornati ſint electi & admiſſi per duos Capitales Juſtitiarios Domini Regis pro tempore exiſtentes de magis ſufficientibus & optime inſtructis juxta diſcretiones ſuas & quod electio & admiſſio omnium attornatorum qui erunt electi & admiſſi per dictos Juſtitiarios pro tempore exiſtentes ultra dictum numerum in comitatibus predictis ſint vacue & de nulla auctoritate neque recordo & ſi ſit aliqua perſona vel perſone que preſumit vel preſumunt aut uſurpant vel uſurpat ſuper ipſas fore attornatos in curiis de recordo in dictis comitatibus vel civitate aliter quam ſuperius ſpecificatur & hoc ſic invento per inquiſitionem captam coram Juſtitiariis pacis in dictis civitate ſive comitatibus qui virtute iſtius ordinationis poteſtatem inquirendi inde in ſeſſionibus ſuis habebunt aut aliquo alio modo legittime probato quod tunc ipſa vel ipſe que ſic preſumit vel preſumunt ſi ipſa inde legittime ſit convict' forisfaciat viginti libras totiens quotiens ipſa vel ipſe ſit vel ſint convict' unam medietatem inde capiend' ad uſum Domini Regis & alteram medietatem ad uſum ipſius qui proinde proſequi velit & quod ipſe qui proinde proſequi velit poſſit habere actionem de debito verſus aliquam talem perſonam que ſic preſumit fore attornat' ac tales proceſſum & recuperationem in eadem quales jacent in actione de debito ad communem legem ſuper obligatione. Proviſo ſemper quod ordinatio predicta incipiat & primo ſumat effectum ad feſtum Paſche proximo futurum & non ante ſi ordinatio illa Juſtitiariis videatur rationabilis.

4 Int. 76. A Practice of contentious Attornies, to ſtir up Suits for their private Profits.

There ſhall be but ſix common Attornies in *Norfolk*, ſix in *Suffolk*, and two in *Norwich*.

Juſtices of Peace ſhall have Authority to inquire of Offenders.

The Forfeiture of Offenders.

Qu. If in Uſe? Raſt. Ent. 29. c.

Statutes made at Weſtminſter, Anno 39 HEN. VI. *and* Anno Dom. 1460.

" TO the Honour of Almighty GOD, and the Reverence of holy Church, for to nouriſh Peace, " Unity and Concord in all Parts within this Realm of *England*, and for the Relief and Suſten- " tation of our Lord the King, and of this his Realm, the ſame our Sovereign Lord King " HENRY the Sixth after the Conqueſt, at his High Court of Parliament holden at *Weſtminſter* upon " the Seventh Day of the Month of *October*, the Nine and thirtieth Year of his noble and gracious " Reign,

" Reign, by the Advice and Aſſent of his Lords Spiritual and Temporal, and at the ſpecial Requeſt of " the Commons of his ſaid Realm, aſſembled in the ſame Parliament, and by the Authority of the ſame " Parliament, hath ordained theſe Things underwritten."

CAP. I.

In Turr. Lond. m. 1.

EXP. The Parliament holden at *Coventry* 20 *die Novembris*, *Anno* 37 HEN. 6. repealed, and all Acts, Statutes, *&c.* made by Authority of the ſame, reverſed.

CAP. II.

A Woman at Fourteen Years of Age at the Death of her Anceſtor ſhall have Livery of her Land.

35 H. 6. f. 40. Fitz. Gard. 7. Bro. Livery, 66. ITEM de aviſamento aſſenſu & auctoritate predictis ordinatum eſt & ſtabilitum quod mulieres exiſtentes etatis quatuordecim annorum tempore mortis anteceſſorum ſuorum abſque queſtione ſeu difficultate habeant liberationem terrarum & tenementorum ſuorum ſibi deſcenſorum quia ſic lex iſtius terre vult quod tunc ipſe haberent.

Thus end the Statutes of King HENRY the Sixth.

END *of the* FIRST VOLUME.

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